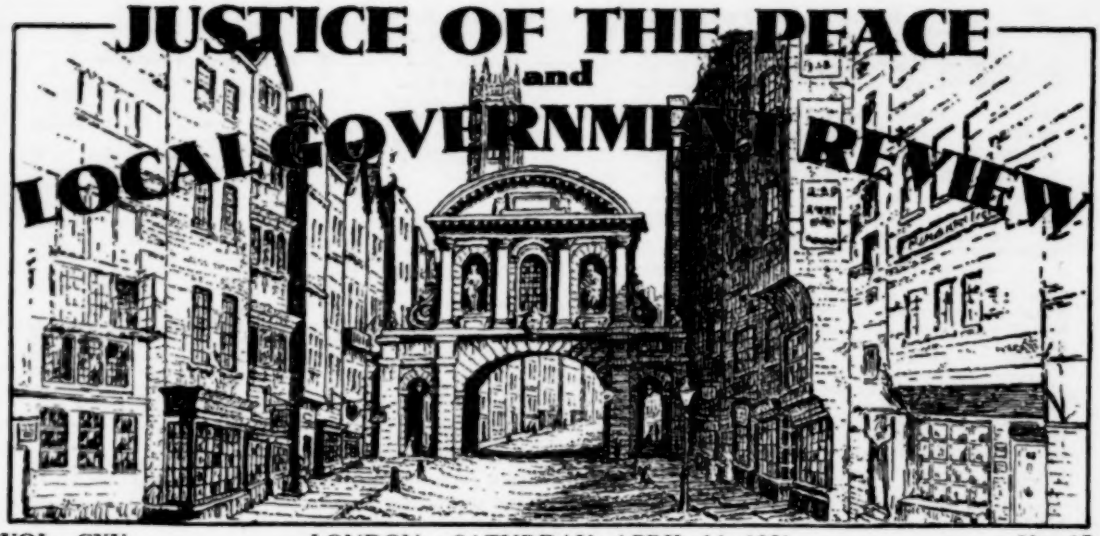

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SOLICITOR (Coroner and Clerk to Justices) requires competent qualified personal assistant for appointment and practice; near London; good prospects; state age and experience to Box A.27, of this Office.

ASSISTANT wanted immediately in Justices' Clerk's office; capable of working with slight supervision; salary £300 to £350 according to experience; apply, stating age and experience to Clerk to Justices, Buxton, Derbyshire.

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WANTED—Clerkship with unadmitted clerk to Justices. Applicant experienced all duties. Salary £350—£400. Box No. B.28.

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COUNTY BOROUGH OF EASTBOURNE

Appointment of Assistant Solicitor

APPLICATIONS are invited for the appointment of Assistant Solicitor in my Office at a salary of £685 per annum, rising by annual increments of £25 to £760 per annum (Grade VIII). The successful candidate will have to undergo a medical examination before appointment. Applications, giving age and full details of qualifications and experience, together with the names of three persons to whom reference may be made as to the applicant's character and ability, should reach me not later than April 28, 1951.

F. H. BUSBY,
Town Clerk.

Town Hall,
Eastbourne.

COUNTY BOROUGH OF SOUTHPORT

Assistant Solicitor

APPLICATIONS are invited for the above post in the Town Clerk's Department. Salary within A.P.T. Grades V (*a*) to VII (£550—£710) according to experience. Applications, with testimonials, should reach the undersigned not later than April 21, 1951.

R. EDGAR PERRINS,
Town Clerk.

Town Hall, Southport.

MIDDLESEX COMBINED PROBATION AREA

Appointment of Male Probation Officers

APPLICATIONS are invited for the above appointments. Applicants must be not less than 23 years, nor more than 40 years of age, except in the case of serving whole-time Probation Officers. The appointments will be subject to the Probation Rules, 1949-50, and salary will be in accordance with the prescribed scale plus £30 London Weighting, subject to superannuation deductions. The successful applications may be required to pass a medical examination.

Application forms from the Principal Probation Officer, 25, Victoria Street (South Block), Westminster, S.W.1, to be returned to the undersigned within 14 days, (quoting J.274). Canvassing disqualifies.

C. W. RADCLIFFE,
Clerk to the County Probation Committee.

Middlesex Guildhall,
Westminster, S.W.1.

SURREY PROBATION AREA

Appointment of Full-time Male Probation Officer
Appointment of Full-time Female Probation Officer

APPLICATIONS are invited for the appointment of a full-time male probation officer and of a full-time female probation officer. Applicants must not be less than 23 nor more than 40 years of age, except in the case of a full-time serving probation officer.

The appointments will be subject to the Probation Rules and the Probation Officers' Superannuation Order, 1948, and the salaries will be in accordance with the prescribed scales.

The successful applicants may be required to pass a medical examination.

Applications must be made on forms to be obtained from the undersigned, and should reach him not later than April 23, 1951.

E. GRAHAM,
Secretary of the Surrey Probation Area Committee.

County Hall,
Kingston-upon-Thames,
Surrey.

EAST RIDING OF YORKSHIRE

Petty Sessional Division of Dickering

Appointment of Part-time Clerk to Justices

APPLICATIONS are invited from duly qualified persons for the appointment of part-time Clerk to the Justices for the above Petty Sessional Division.

The salary will be at the rate of £550 per annum. Office accommodation, staff, office equipment, etc., will be provided at Bridlington, and all necessary expenditure in connexion with the administration of the office will be refunded.

Applications, stating age, qualifications and experience, are to be forwarded to the undersigned, accompanied by three recent testimonials, in an envelope endorsed "Appointment of Clerk to Justices," by not later than April 23, 1951.

Canvassing, directly or indirectly, will be deemed a disqualification.

H. W. RENNISON,
Clerk to the Justices.

Magistrates' Clerk's Office,
Ashville Street,
Bridlington.

URBAN DISTRICT COUNCIL OF RAWMARSH

Appointment of Clerk of the Council

THE Urban District Council of Rawmarsh invite applications from solicitors for the appointment of Clerk of the Council. Preference will be given to those having previous experience of local government law and administration.

The population of the urban district is approximately 19,000.

The successful candidate will be required to devote his whole time to the statutory and other duties of his office and will not be permitted to engage in private practice as a solicitor. He will also be required to carry out all the legal work of the Council, to perform all the statutory duties of his office, and other duties assigned to him by the Council and attend the meetings and committees of the Council.

The appointment will be subject to the Local Government Superannuation Acts and the successful applicant will be required to pass a medical examination.

All fees, emoluments and payment of any kind (except fees received as returning officer for local elections, or as designated officer for registration of electors) shall be paid to the credit of the Council.

The appointment will be terminable by three months' notice in writing on either side.

Applications, stating age, whether married or single, salary required, and details of experience and qualifications, present and past employment and accompanied by copies of three recent testimonials and marked "Clerkship" must be submitted to me the undersigned not later than Saturday, April 28, 1951.

Canvassing, directly or indirectly, will disqualify and candidates must disclose in writing whether they are related to any member or senior officer of the Council.

JOSEPH ERNEST PAYNE,
Chairman of the Council.

Council Offices,
Parkgate,
Near Rotherham.
April 4, 1951.

Justice of the Peace
and
Local Government Review
[ESTABLISHED 1837.]

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NOTES of the WEEK

Suspended Sentence

We are indebted to Mr. J. V. S. Mills, of Belfast, who called our attention to the fact that in Ireland it had long been recognized that at common law suspended sentence is lawful, at all events after conviction on indictment (*see* p. 202, *ante*), for a transcript of the judgment in the case of *R.* v. *Wightman* (1950).

The judgment of the Court of Criminal Appeal was determined by the late Sir James Andrews, L.C.J..

In April, 1949, the applicant had been convicted at the Belfast City Commission before Porter, L.J., on charges of larceny and forgery, and sentenced to twelve months with hard labour. Restitution had been made, and the learned Lord Justice suspended the operation of the sentence and bound over the appellant to keep the peace and be of good behaviour for two years, and to attend for judgment on getting ten days notice from the Crown Solicitor. The recognizance itself contained no reference to the recorded sentence, but it was explained to the appellant that if he broke his bond the recorded sentence would come into operation, and this he said he understood.

In September, 1949, at the Belfast Custody Court, he pleaded guilty to a further offence of stealing and was fined £1. Following upon this, he was given notice to attend at the Belfast City Commission, to show cause why his recognizance should not be estreated, and also to show cause why the recorded sentence of twelve months should not become operative. After the necessary evidence as to the two convictions had been given, the presiding judge expressed some doubt as to the authority for and the effect of the suspended sentence, but added that apparently he had no option but to order that the sentence of twelve months should now take effect. The appeal to the Court of Criminal Appeal then followed.

The Question of Authority

In the course of delivering judgment, Sir James Andrews observed that there appeared to be no reference in English text books to such recorded sentences, and that the practice in England was simply to bind over the offender to keep the peace and be of good behaviour and to come up for judgment if called upon within the period of the recognizance. The same practice of merely binding an offender to keep the peace and to come up for judgment had undoubtedly existed and still existed in Ireland; but, together with it, there had also existed for a great number of years the practice of imposing recorded sentences to be put into operation in the event of a breach of the prisoner's recognizance. The legality of the practice had never been challenged; it existed before Northern Ireland and Eire were separated and it had continued thereafter. The Lord Chief Justice went on: "We are of opinion that the practice should be upheld, and that there must be assigned to it a legal origin in the inherent jurisdiction of the court. When, indeed, it is carefully considered, it is only a modification of the practice well recognized in England and Northern Ireland of binding over a convicted person under the Common Law to come up for judgment if called upon . . . It presses in no respect more harshly upon a prisoner. Indeed, it should in our opinion be in the prisoner's case, as it informs him in advance of the penalty which he will have to suffer if he breaks the conditions of this recognizance. It is, in our opinion, also helpful to the court before which the case is brought for judgment; as the judge before whom the prisoner first appears is in a much better position, after hearing the case tried, or, in the case of a prisoner who pleads guilty after a perusal of the depositions, to determine the appropriate sentence."

The appeal was accordingly dismissed.

The Effect on the Defendant

There has been considerable discussion of late about the desirability of legislation to introduce suspended sentences in this country, and among the points raised has been that of the effect upon the defendant. The advocates of the system contend that to pass a sentence and then suspend it must make a greater impression upon an offender than merely to warn him that he may, or probably will be, sentenced in the event of further misconduct. It is said that the system has worked well in other countries, including France and now we have some evidence of its working in Ireland.

On this point, Sir James Andrews said that the practice had been found salutory as exercising a deterrent effect on the prisoner, and at the same time providing, as it were, a form of insurance to the public against the continuance by such prisoner of his criminal activities. He added: "The relatively small number of cases in which prisoners so bound by recognizance, and against whom sentences have been so recorded, are brought before the court to receive judgment or sentence is the best evidence which could be afforded in support of the retention of the practice, unless, of course, it offends against some established principle of the common law."

As stated above, the court found that the system was in no respect in conflict with common law as laid down in Ireland.

Innkeepers' Liability

The judgment by Lynskey, J., at Warwick Assizes last July, on the subject of a car stolen from the car park of an hotel, gave rise to much public discussion and some misgivings in the

Temple. That judgment has now been confirmed in the Court of Appeal: *Williams* v. *Linnitt* [1951] 1 All E.R. 278 and, unless the case is thought important enough to be taken to the House of Lords, it may now be taken as settled law that an innkeeper, who allows his premises to be used for parking vehicles belonging to his customers, is liable when the vehicles disappear. The defendant's premises were, it should be said, a common inn, and the decision will not necessarily apply to all refreshment houses. So far as common inns are concerned it is far reaching; the misgivings which had been expressed in legal circles, in the six months between the hearing at Assizes and the decision on appeal, have been chiefly on two grounds. First, there is the extension to a casual customer of the protection hitherto afforded by common law and under statute to guests, in an inn or hotel where they were staying for the night, or at least taking a meal. The plaintiff's home was about a mile from the inn, and the plaintiff resorted there simply for liquid refreshment. The second ground upon which the decision was doubted in some quarters was the nature of the place where the car was left. This was an open space between the inn and a main road; it was labelled with the words "Car Park: Patrons Only. Vehicles are admitted to this parking place on the condition that the proprietor shall not be liable for loss of or damage to (A) any vehicle, (B) anything in or about any vehicle however such a loss or damage may be caused." The defendant on appeal did not argue that this notice, emphatic though it was, could relieve him of liability, if at common law or under any statute he would otherwise be liable, but he did contend that upon the topographical facts the car park was not within the *hospitium* of the inn, which extended only to the inn itself, its stables and garages. Beyond these, it was argued that the innkeeper could not come under his specific liability as such, unless he had actually accepted the vehicle or article in question, or there was some necessary inference from his conduct showing that he had taken the vehicle or article under his protection. Lord Tucker, sitting as an extra member of the Court of Appeal and delivering the leading judgment, examined the case law and disposed of this second contention for the defendant on the lines that both authority and common sense required the innkeeper's specific liability to extend to any premises, which in fact he controlled and allowed to be used for placing the vehicles or goods of his customers. He disposed of the other branch of the defendant's argument, that the plaintiff had not been a "traveller," for the purposes of bringing into operation the innkeeper's liability towards travellers, by saying that this category included all persons who came to the inn for the purpose of making use of its facilities or some of them. On the whole the decision of the Court of Appeal seems to us to accord with the needs of the twentieth century, when such a vastly increased number of vehicles can be found upon the roads, involving all purveyors of refreshments in a need to find room for those vehicles, and also with a principle which we have more than once suggested in other contexts ought to be applied wherever possible: notably in litigation about the respective liabilities of local authorities and private persons. This is that, as between two parties who are both innocent in the sense that neither has deliberately done anything for the other's injury, loss arising out of their relationship ought if possible to be thrown upon the party who can best provide against the cost of it. Applying this principle to the facts before us we think it would be an appreciable burden upon the person visiting an inn to have to inquire whether a piece of ground where he is allowed to leave his vehicle, or a place where he is allowed to leave his suit case, is within the *hospitium* of the inn or not. There might be fine distinctions, which the traveller or the person wishing to make a short stay for refreshments could hardly be expected to investigate. The hardship, such as it is, upon the innkeeper is an insurable risk. His insurance company or underwriters can ascertain when fixing the premium exactly what part of his premises is at the disposal of his customers, and what precautions he takes for the protection of their property, and can adjust its premium accordingly.

Reconciliation and Compulsion

We have always believed whole-heartedly in the work of attempted reconciliation between married couples which was begun by the police-court missionaries and has been continued and developed by probation officers. We have insisted on the importance of two points: first, that everyone concerned should make it abundantly clear that either party is at liberty to have access to a magistrate without any kind of hindrance, and secondly, that recourse to the good offices of a probation officer as mediator should be entirely voluntary. The court may, and often does, put forward the suggestion that the parties may find it helpful to explore the possibilities of mediation and reconciliation, and this often meets with acceptance, but there is no question of forcing such a course upon anyone who is definitely opposed to it. We once heard of a woman who demanded a summons against her husband, saying that she had been reconciled four times and was not going to stand any more of it. Something had gone wrong there, but it happened a long time ago, and could hardly happen today.

We were glad to see a letter in *The Times* from the secretary of the National Association of Probation Officers, disclaiming any support for a proposal that parties in matrimonial cases should, in certain circumstances, be "ordered before" a probation officer for three months. Mr. Dawtry rightly emphasized the need for negotiation and attempted reconciliation to be on a voluntary basis, entirely free from any element of compulsion. In so saying, he has, we feel certain, the unqualified support of the probation service. The prospect of successful intervention would be poor indeed if either party approached the matter in a spirit of resentment or unwillingness, feeling that he or she must obey a court order, but all the time regarding the order as a denial of his or her right to have the case dealt with as the law provides. A change in the law empowering a court to exercise this kind of compulsion would certainly be unwelcome to those who are doing the work under present conditions, and doing it with considerable success.

Probation in Newcastle-upon-Tyne

The new provisions as to probation, contained in the Criminal Justice Act, 1948, have now been in force long enough to enable those concerned to see how the system works. On the whole, it seems likely to prove satisfactory, but we sometimes read criticisms of the way in which the courts and their officers are observing, or not observing, some of the new requirements of the law.

In his foreword to the probation report for the city and county of Newcastle-Upon-Tyne for the year 1950, Mr. F. Morton Smith, clerk to the justices, and secretary of the probation committee, calls attention to the failure of some courts to observe strictly the provisions of s. 3 of the Criminal Justice Act, 1948, as to the dispatch of probation documents. He points out that where the court making the order is not the supervising court, it is the court and not the probation officer that must send to the clerk to the justices for the division named in the order, a copy of the order and all relevant information. This is clearly the responsibility of the court and not the probation service, and as the clerk is often the secretary to the probation committee, observance of the prescribed procedure works well in practice.

There has been a considerable increase of work in the city, three and sometimes four courts being held daily, but there has been no appreciable increase in the number of juveniles charged.

In this report we find the all too common complaint about mentally sub-normal children. Mr. Taylor, the principal probation officer, writes of one lad who appeared before the court five times during the year, that he was a mental defective unsuitable for admission to an approved school. It was not until October that a vacancy was secured for him in a home for defectives. Each time he appeared before the court other children who had not previously been in trouble were charged with him.

Matrimonial work is evidently dealt with on a sound basis. On one afternoon each week there is apparently an "applications' court" to deal with this type of case, and many of the applicants are referred by the court to the probation officers, often with the result that reconciliation is effected and no hearing in court takes place. Other cases were referred to the probation officers by the domestic court, while a considerable number came to the probation officers direct.

Control of Food

The oddity in redistribution of functions between the Ministry of Health and the Ministry of Food, which followed the establishment of the latter as a permanent part of the machinery of government, is illustrated by two circulars issued more or less contemporaneously dealing with ice cream. The Minister of Food has laid down new standards for the composition of ice cream, and the Minister of Health (just before the further redistribution of functions between him and the Minister of Local Government and Planning) issued a circular dealing with the provision, siting, and fitting, of thermometers for the testing of ice cream. The order of the Minister of Food provides that ice cream for Gentiles shall contain at least five *per cent.* of fat and for Jews at least ten *per cent.* of fat, Gentiles also getting ten *per cent.* of sugar and the Jew fourteen *per cent.* The parallel order issued from the Ministry of Health controls the methods in which ice cream is treated by heat, and ensures uniformity in the testing of this heat by means of thermometers. The latter provision is technical, and will concern nobody much except traders and the officials of local authorities. The composition of ice cream is a matter of some importance to the public. We do not know whether this new order of the Minister of Food, and his more or less contemporary order providing that milk powder may to a prescribed quantity be used in sausages instead of meat, portend a new policy on the part of the Government, of leaving all food standards to the new Ministry. From a public point of view there would have been something to be said for separating, as they had been separated till recently, the functions of food testing and the maintenance of standards on the one hand from the functions of trading and distribution on the other.

The Army and the Air Force Reserves

We think that it is worth calling attention to the fact that as from January 1, 1951, the law relating to the Army Reserve is to be found in the Army Reserve Act, 1950, and that relating to the Air Force Reserve in the Air Force Reserve Act, 1950. The military and the air force authorities are, of course, much more concerned with these matters than are courts of summary jurisdiction, but the Acts do contain various provisions as to proceedings before summary courts, and they should be carefully studied, should the occasion arise, to ensure that nothing material has been overlooked. The third schedule of each Act lists the repeals which follow from the coming into force of the new Act. We do not pretend to have compared the new provisions with the repealed ones, but as each Act purports to be an Act to consolidate certain enactments relating to the army or to the air force reserve as the case may be we assume that no material changes have been made. It is an obvious convenience to have the relevant provisions collected together as they now are, and ease of reference is facilitated also by the fact that the two new Acts are similarly arranged, and the section numbers correspond up to and including s. 22. Thereafter they do not correspond exactly, but there is no great difference. Sections 14 to 21 inclusive are of special importance to courts of summary jurisidiction. The service of notices (the question of their proper service may be in issue) is dealt with in s. 26 of the Army Reserve Act and in s. 25 of the Air Force Reserve Act.

We do not think that these are matters which arise frequently enough to justify a detailed study here of the provisions to which we have referred. Our object is to call attention to the consolidations, and to indicate which are the relevant sections with which summary courts are most likely to be concerned.

Unclaimed Chattels from the War

Progress in administering the Removal and Storage of Household Chattels Order, 1950, has been slower than was generally hoped. It is desirable that the business to which that order relates should be wound up as quickly as possible, so as to set free valuable storage space, which could then be used for civil defence purposes (for which storage space is badly needed) or, upon the outbreak of war, could be used again for the storage of furniture and other chattels. The Removal and Storage of Household Chattels Order, 1942, provided that unclaimed chattels of no appreciable value, which had been removed from premises damaged by war operations, might, after six months storage by a local authority, be disposed of by sale or destruction or otherwise. For eight years local authorities have been saddled with chattels which could not be classified "of no appreciable value," although a good many of these unclaimed chattels were of no great value. Normally, it must be supposed, chattels which have a value but have not been claimed belonged to persons who lost their lives in the war, or disappeared from some other cause arising out of the war. The Order made in July, 1950, was therefore by no means precipitate. It provides for the disposal of chattels whatever their value, and for the keeping by the recovery officer of a list of the chattels so disposed of, and the price realized. Unless a claim to the money realized is established, that money is to be disposed of according to directions of the Home Secretary and the Treasury. The hesitancy which local authorities have felt about working this order has arisen from doubt about the definition of an unclaimed chattel. This is that a chattel is to be deemed to be unclaimed, if the name and address of the person entitled to it are not known to the recovery officer, and after reasonable inquiry cannot be ascertained by him. What amount of inquiry is he required to make, and (a separate question), if he has reason to believe that there are relatives of the person who was entitled to the chattel at the time when it passed into the local authority's custody, is he bound to take the matter up with them? Our own opinion is that the newspaper advertisement which is required by the order absolves the local authority and the recovery officer from doing anything further. If a person turns up in response to the advertisement, and puts in a claim, that claim should of course be looked into, but the local authority and recovery officer are under no obligation to do anything further for themselves. There is no presumption that relatives, or persons believed to be relatives of the former owner of the chattel, are now entitled to it, and even if they do put in an appearance it is for them to establish a case. The great thing now is to clear the stores; the risk of any serious claim in respect of an article which has been disposed of is now slight and is a risk that should be run.

JUSTICES AND MOTORING OFFENCES

By SIR LEO PAGE

I have been discussing the question of road accidents with a friend who is not only deeply interested in the matter but very well qualified to give a balanced and valuable opinion. He is a member of Parliament, a Fellow of his College at Oxford, and has a wide knowledge of affairs. In addition, he is a motorist of long experience who lives in the country and still drives his car almost daily. We agreed that the problem of road safety is one of urgent national importance: that at present it was being tackled very unsuccessfully: and that it was divisible into two quite separate matters, the first how best offenders against the public safety should be detected and caught, the second how best they should subsequently be dealt with by the law. It was at this point that we disagreed. It is obvious that any discussion of this sort must immediately concern itself with the treatment of motorists by criminal courts, and I was not at all surprised to hear the resentment and contempt with which he spoke of the incompetence of courts of lay justices in dealing with drunken, dangerous, and careless motor drivers. I, for my part, thoroughly agreed with a great deal of what he said. But it was on the subject of magisterial courts that in the end we completely differed. I took the view that while lay justices, taken as a whole, were weak and ineffective in their administration of the Road Traffic Acts, this was merely because their duty had never been sufficiently made clear to them, and that there was no reason in the world why justices should not be taught and encouraged to do it better. My friend, on the other hand, would have none of this. He declared that justices had had a great many years in which to learn, and that they had notoriously failed to do so: that road casualties, caused very largely by dangerous and callous motorists, had become a serious national tragedy and were still increasing in number: and that it followed from all this that motoring offences should be taken away from justices' courts and handed over to some new form of specially constituted traffic court.

I had, of course, heard this proposal of special traffic courts before. I believe it to be wholly impracticable, and undesirable in every way even if it were practicable. It came, therefore, as a shock to me to realize that my friend was perfectly serious and to learn that there were many others, persons of responsible positions in public life, who think as he does, and who believe that, in the public interest, the work of administering this branch of the criminal law should be taken away from justices on the plain ground of proved incompetence. It is insufficient for magistrates to wrap themselves in a mantle of self-complacency and to declare that all criticism, by whomsoever made on whatsoever grounds, is unworthy of examination, and that justices are fully competent in this sphere, as in all others. The problem of road accidents is of desperate urgency, and, if any reasonable suggestions can be made whereby ever rising casualty figures may be checked, they deserve serious examination.

Let us honestly accept the bleak fact that, as statistics show, the total of accidents is steadily, if slowly, increasing: our existing methods are, therefore, unsuccessful. Everyone who studies the matter knows that not all accidents are due to the faults of motorists. There are badly constructed roads. There are stupid cyclists who cause accidents. There are apparently almost imbecile pedestrians: most unhappily of all, there are small children whom the most careful motorist is quite unable to avoid. All this may be readily admitted. There still remains the very large proportion of accidents which are due to the faults of motorists. If that proportion can be sensibly decreased, the total of casualties will be greatly diminished. Without in any way entering into argument as to the relative degrees of responsibility of motorists and other factors, I confine myself here to the single question as to whether lay justices fully understand and adequately perform their duty in the trial of motoring offences.

Let us make it quite clear what that duty is. As everything depends upon a proper understanding of this obligation, I venture to repeat some sentences from a brochure which I wrote over five years ago and which was published with the authority of a Foreword by the Home Secretary in 1946.

" There is no class of offence which commonly comes before justices in which it is more desirable that they should remind themselves that their duty is primarily to consider the good and safety of the public . . . While it is undoubtedly true that justices have a discretion in dealing with offenders, and right that they should use it, the discretion should be used only in accordance with the law . . . It was clearly the intention of the legislature that suspension or endorsement of the offender's licence should be the normal consequence of a conviction " (for serious motoring offences of drunken, reckless, dangerous or careless driving).

It may be thought that in referring only to a brochure written by myself five years ago, I have quoted insufficient, or out of date, authority, even although my pamphlet• had the great weight of official approval. For this reason, I venture to refer to a number of very recent pronouncements by the Lord Chief Justice. Lord Goddard has in recent months addressed many meetings of justices. What is said at such meetings is, of course, no more than advice and guidance, without the full force of law, but in view of Lord Goddard's position it is guidance which no justice of the peace is likely to dispute. On more than one occasion, the Lord Chief Justice has emphasized that driving under the influence of drink and dangerous driving are very serious offences. He has impressed on justices that with regard to dangerous driving they ought not to convict lightly but only when the offence is more than careless driving. But, if they do convict, then prison is the normally appropriate penalty, as well as disqualification.

In the light of this statement of the duty of justices, I return to the question as to whether it is being properly carried out today. I believe that, at any rate of country benches, only a small minority, after serious reflection of the manner in which they have dealt with convictions for dangerous and careless driving, could honestly make any such claim. It may be suggested that this is an exaggerated and personal opinion, reached without sufficient grounds. My brief answer is that I am far from alone in my view, and that it is based not only upon a wide knowledge of benches but upon the Home Office annual returns of motor offences. Here is an extract from the figures for 1949, the most recent available.

Offences	*Findings of guilt*	*Sentences of Imprisonment*	*Disqualification*	*Total of fines*
Dangerous driving	3,955	25	358	£21,373
Careless driving	13,973	not permitted	233	£42,171

• *The Problem of Punishment.*

It will be seen that, for the offence for which the Lord Chief Justice has advised magistrates that, in the absence of proper circumstances of mitigation, a sentence of imprisonment and disqualification are the appropriate penalties, a sentence of imprisonment was passed upon one offender out of every 160 persons convicted, and that only one out of every eleven persons convicted of dangerous driving was temporarily disqualified. For careless driving, disqualification was imposed in one of every sixty cases, while the money fines averaged £3 for careless and a trifle over £5 for dangerous driving. Unless one is prepared to say that the Lord Chief Justice is entirely wrong, can it be suggested that these statistics do not reflect grave discredit upon lay justices, by whom the majority of these cases were tried?

I could quote individual cases of foolish findings almost indefinitely. I will content myself with two, both of them taken from the columns of a local paper within the last few weeks. Each has been verified.

In one case, the driver of a truck, taking six passengers home from a dance at 2 *a.m.*, over ran a turning in the road clearly indicated by two signs, one of "DANGER—SLOW" and one of "SHARP BEND"; mounted the offside verge and hedge; and stopped, upside down, in the road, all six passengers being injured and taken to hospital. Evidence for the prosecution showed that the defendant driver shortly before the accident had drunk from a bottle he had in his pocket, releasing the driving wheel entirely while he did so: one of his passengers, a girl of eighteen, held the wheel and steered the truck for about fifty yards. According to our witness the truck was travelling "rather fast." Another passenger advised him not to drink while driving but he insisted on doing so. A police officer chanced to pass after the accident and the defendant said to him that he had thought the road turning where the accident occurred was a cross-roads, and he added: "That is all there is to it." While the police officer had his back turned, the defendant threw the bottle over a hedge, and to the officer, who had seen it sticking out of his overcoat pocket, he denied that he had had a bottle. In the witness box, he admitted drinking, but said that while so doing he still held the wheel with one hand: if the girl passenger put her hands on the wheel, she did so without his knowledge. His evidence was that while drinking he slowed down to under twenty m.p.h.: later, he saw the DANGER sign, and reduced his speed from the 30 m.p.h. he was then travelling: something seemed to hit his front wheel, and this caused the truck to get out of control.

The penalty in this case was a fine of £10 and costs, for *careless* driving. The defendant was *acquitted* on the charge of dangerous driving. It is difficult to believe, but it is a fact.

In the second case, the defendant arrived at the bottom of a hill and, being unwilling to wait his turn behind the line of cars occupying the near side, drove fast up the hill on the off side of the road, which was broad enough for only two lines of traffic. At the crown of the hill he met a car coming the other way, and a head on collision was avoided only by this car driving off the road on to the verge. This is a very common form of most dangerous driving and is the cause of many accidents. Where, as in this case, no accident took place, that is no merit in the driver. The offence in all such cases lies in the reckless disregard of what other persons or vehicles may be on the road. The fact that there is no injury and accident is due to chance. For this reason, the defendant, in my view, should have been charged with dangerous driving. The police, however, for some reason, charged him with the lesser offence of careless driving, and to this he pleaded Guilty. But if the police made one mistake the justices made another. This was clearly a bad case of careless driving, to say the least, and called for a substantial penalty. The defendant, who was a professional man in considerable practice, was in fact fined £5. The sole importance of this case is that it is typical of what happens so often. Indeed, I have been told by senior police officers that the reason why motorists are charged with careless driving when the facts warrant a more serious charge of dangerous driving is that benches are so reluctant to convict that it is thought better to bring the minor charge. (It would be hard to imagine a more illuminating example of this tendency than the case of the truck driver quoted above.) In the result, it is a perfectly common occurrence for courts to hear motoring cases in any one of which there might have been a grave accident, and to impose nothing more than a small fine. The chief constable of a county told me a couple of months ago that his police had recently secured convictions for *dangerous* driving in three prosecutions and that the penalties imposed by the three benches had been fines of £1, £3, and £3, with no suspension of licence in any case.

Whatever the reason may be, and wherever the blame may lie, I submit with little fear of contradiction that in the case of motoring offences of this nature the law is not being adequately enforced. Perhaps this is not a matter for surprise. Witness, for example, the grounds of opposition to the use of plain clothes police to catch offending motorists expressed publicly a few months ago by the chief constable of a county. No one suggested, he said, that motorists set out deliberately to drive dangerously or to cause an accident, and the persons who did so came mainly from the respectable and law abiding members of the public. If a chief constable can talk such stuff, who is to blame the lay magistrate for failing to see what the law is? It is as certainly a criminal act to drive recklessly and dangerously (even if the motorist does not set out to do so) as it is to pick a pocket or to break into a shop, and whereas thieving deprives the victim of his property these criminal motorists may deprive him of his life. It is little comfort to a child maimed for life to be assured by a chief constable that the motorist who smashed into him is a greatly respected member of an old established family business in Mincing Lane.

It will not, I hope, be suggested that I am indifferent to the suffering which results very often from severe penalties. I have seen too much of the pain suffered by the innocent members of a prisoner's family for that to be possible. The simple fact is that I am appalled by the suffering which results from the massacre of the roads. I want to stop it. I believe much of it could be stopped very simply and rapidly. For what it is worth, my own view is that sentences of imprisonment and heavy fines are sometimes necessary as deterrents, in such cases, for example, as drunk in charge. But they bear with such hardship upon the wives and children of offenders that, where one can avoid them, I would always prefer to do so. A disqualification to drive for a shorter, or longer period is so complete a protection to the community, and at the same time contains so sufficient a proportion of the deterrent element, that I regard this as the correct and recognized punishment. It is true that, where an offender earns his living as a motor driver, it may result in hardship to innocent dependants. But the hardship is less than that which follows a sentence of imprisonment. It is in such cases necessary for the court to remind itself of the purpose for which it sits—the protection of the public. And motorists who drive recklessly and dangerously—for example, by cutting in, by overtaking at blind corners, or by dashing across cross roads—are not *fit* to be on the road in charge of lethal vehicles, even if their dangerous practices have not as yet caused an accident or death. Finally, I believe that the stern application of this policy would result, very rapidly, in considerable improvement in general motoring standards. Drivers for the most part would come to see that dangerous driving practices simply did not pay, and would give

them up. Such few as could not learn this lesson would soon lose their licences for good. Accidents there would still be. But they would be greatly reduced. Moreover, and this is the purport of this article, the responsibility would no longer lie, as now it very largely does upon the weakness and the ineptitude of so many courts of summary jurisdiction.

COUNTY GOVERNMENT IN NEW ZEALAND

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A system of local government has operated in New Zealand since the year 1847, only seven years after the Proclamation of British Sovereignty over the Colony. The Constitution Act of 1846 divided the country into two provinces, New Ulster and New Munster, but it was not until 1853 that the provincial system really commenced. In that year, the two existing provinces were abolished, and the colony divided into the six provinces ; the number later being increased to nine. These provincial governments were elective, and each province was presided over by a superintendent and council with power to legislate for its own territory.

In addition to having complete jurisdiction in local matters, they also controlled the harbours, hospitals, asylums, police and charitable aid in their respective districts, receiving a capitation allowance from the central Government. The construction and maintenance of roads, bridges and other public works was provided out of its own revenues, which was derived principally from the sale of endowment lands. The provincial councils, therefore, were virtually left with the whole responsibility of providing for the details of local administration. In turn, the councils delegated certain of their powers and functions to lesser authorities, and a number of boroughs towns and road and highway districts came into being.

The lack of uniformity between the ordinances of the various councils, however, caused considerable confusion and rendered impossible any satisfactory co-ordination beyond provincial boundaries. Thus, main roads were frequently planned without sufficient regard to the linking up of the country as a whole.

With the rapidly increasing population, and consequent extension of settlements, the need for the development of communications along national, instead of provincial, lines became apparent, and in 1875 the abolition of Provinces Act was passed in the face of strong provincial opposition.

In 1876, local government in New Zealand entered upon an entirely new phase, the Central Government assuming the general responsibility for the local administration of the whole country. This step occasioned the enactment of a new and complete set of Local Government Acts, by which were repealed not only the previous measures of the General Assembly on the subject, but also the great majority of the numerous and Provincial Ordinances that were in force in different parts of the Colony, the law being thus unified and simplified.

This legislation included the Counties Act, which came into force on November 1, 1876, and which divided New Zealand into sixty-three counties. The passing of this Act marked a new era in the history of local government in counties in New Zealand, and while this measure has long since been repealed, it is upon that Act that the broad structure of the present county system is based. County administration was at first concerned chiefly with the construction and maintenance of main arterial roads, their revenue being derived from rates, tolls and subsidies, the intention being that county councils should focus their attention on a broad policy aimed at developing the Colony.

As previously mentioned the Counties Act, 1876, divided New Zealand into sixty-three counties. This number has been increased by the sub-division of existing counties, until today there are 129 counties, in respect of 125 of which the Act is in full operation. The process of disintegration of the larger areas continued off and on until 1922, since when no new counties have been formed. The number of counties in existence was increased from time to time because it was contended in some districts that increased settlement brought about increased activities, thereby requiring more counties to cope with the situation—although this could be disputed. While there is little doubt that in many cases, sub-division was agreed upon very slender grounds, the fact remains that the number of counties increased, and when one glances at the statistics it is at once apparent that there is no uniformity whatever in the division of New Zealand into counties. For example, of the operative counties in New Zealand, the largest in point of size is Westland with an area of 4,419 square miles : the smallest being Halswell and Peninsula, each having an area of forty square miles. There are six counties with an area of over 3,000 square miles and nine with areas under 100 square miles : the average of the 125 operative counties being 826 square miles.

This, undoubtedly, is a glaring weakness in our county system, which was mainly brought about by the Government subsidy on rates, payable in terms of the Appropriation Act. For a considerable time, the Government has subsidized, at varying amounts, the rates collected by local bodies, but there is a provision which limits the amount of subsidy to any one county council at £2,500 *per annum*. The result of this limitation was that a large county collecting a fairly substantial rate revenue was losing by way of Government subsidy. A number of counties conceived the idea of overcoming this disability by cutting up their counties into such units that there would never be any possibility of the £2,500 limitation applying.

For many years the formation of counties was permitted and took place at a rapid rate, but later the Government set out on a policy of resisting the creation of further new counties, and among other things, provision was made that the creating of a new county would not attract any more Government subsidy than would have been the case if the division had not taken place.

FUNCTION OF COUNTIES

The inhabitants of every county are a body corporate under the style of " The Chairman, Councillors and Inhabitants " of the county. Each has perpetual succession and a common seal, and is capable of holding real and personal property with all the privileges and liabilities appertaining thereto.

In every county there is a governing body consisting of a chairman and council. County government, as established by statute law in New Zealand, is to some extent a voluntary institution, but nevertheless county councillors take a great interest in their work. County councils, like all other local authorities in New Zealand, are creatures of statute and are

strictly limited to the discharge of the duties and the exercise of the powers which Parliament has seen fit to confer upon them.

As also in the case of any other corporate body, a county council, as an entity, is distinct from the personalities of which it is composed, and its members cannot be held liable for anything legally carried out under the provisions of the various empowering Acts, although in certain cases of wrongful or illegal transactions resulting in the misuse of ratepayer's money, action, if taken by the Controller and Auditor-General, or by any ratepayer or other interested party, may result in costs being granted against the members of the council, or rather, any of whom voted for the expenditure, and such costs may be in addition to any other amount which they may be ordered to repay.

RIDING SYSTEM

One of the features of county government in New Zealand since its inception, has been the riding system, and in 1876 it was provided (s. 8) "That the Governor in Council shall by Proclamation divide every county into such number of ridings not exceeding nine with such names and boundaries as he thinks fit."

While there is no fixed maximum or minimum for the area of a county, today every county must be divided into ridings not exceeding twelve. The division of the county into ridings first appeared in the 1876 Act, although in this Act the riding was used solely for purposes of representation. Under the 1886 Act, by which time more specific provisions for the abolition of road boards had been made, the county councils were required to levy "general" rates separately in each riding in accordance with the expenditure required to be provided in each riding. The riding system also operates for financial purposes, the result being—(*a*) That rates are levied separately in each riding; (*b*) That certain expenses common to the county as a whole are paid out of the common pool; (*c*) That the remainder of the finance must be expended wholly within the riding within which it is collected.

The theory behind the separate riding finance system was that in a big area with a diversity of interests the money raised in a particular locality should be used for the development of that locality. This was necessary in the early development of counties, and broadly it is sufficient to say that it has enabled the backblock areas of counties to obtain a fair share of the improvements carried out in the counties instead of, as might otherwise have happened, the money all going to the more central parts of the county.

Like many good systems, however, they must be adjusted to meet changing conditions. Until 1931 the separate riding finance system was mandatory. By the Counties Amendment Act, 1931, however, county councils were given an optional power to abolish the system of separate riding finance in their respective counties. Once the system is abolished in a county there is no power to return to it. It is interesting to note that out of 125 operative counties ninety-eight have now abolished the system of separate riding finance.

County councils have power to carry out land drainage works and a council to which a licence to construct or use an electric line has been issued, may supply electric light and power to the inhabitants of the county within the limits of the licence. They can provide market places, public-weighing machines and, with certain limitations, they are authorized to indulge in harbour construction and harbour works. They can provide workers' dwellings, and can contract with the Postmaster-General for the erection of telegraph or telephone communication within the county, and may apply such portion of the county fund account as it thinks fit towards the cost of same or pay an annual sum by way of interest or guarantee on such cost.

The establishment of public libraries, recreational grounds, public halls, and agricultural schools all come within the function of county councils, and they have the authority to sell road metal, rabbit-proof wire netting and to quarry, burn and sell lime on such terms as they think fit. They have a direct responsibility in regard to the eradication of noxious weeds.

The basis of the Counties Act, however, is that a county council is a rural authority. Accordingly, it is not well-equipped with powers for handling urban problems. At the same time, the Counties Act has attempted to recognize the position that in a county, towns and villages spring up which do require some of the urban amenities. This recognition is through a section of the Act which gives power to the Governor-General to confer on any county council such of the powers of borough councils with respect to drainage, sanitation and the supply of water for domestic or industrial purposes as he thinks fit. This power is quite freely exercised.

County councils may make byelaws for the effective carrying out of the provisions of the Acts relating to their areas over which they exercise jurisdiction. Byelaws are made to suit existing conditions and not so much to meet future requirements. It is necessary, therefore, that byelaws should be kept up-to-date in order that they may have a guiding effect on development and not an unnecessarily restrictive one.

The procedure as to levying rates is very cumbrous. Counties may levy general rates on a riding basis, or when there are no riding accounts, the general rates are levied uniformly on the county as a whole.

To briefly outline the main classes under which revenue from rates is obtained:

1. *General Rates for general purposes.*

In counties where there are no road or town districts a maximum rate of 3*d.* in the £ on the capital value of rateable property or its equivalent on the unimproved or annual value.

2. *Separate (or Special Works) Rates.*

These rates may be levied on the county or a portion of the county for works for a particular purpose or for the benefit of a part of a local district. The total amount that may be levied in one year is ¾*d.* in the £ on the capital value or its equivalent.

3. *Special Rates.*

Rates under this heading are imposed to secure the repayment of loan money and necessary interest charges. The amount of special rates is not limited by statute.

4. *Noxious Weeds.*

Counties which have assumed the responsibility for administering the Noxious Weeds Act are authorized to levy a rate which may either be on the rateable value of the land or on an acreage basis. Where levied on the rateable value of the land the maximum rate is ¼*d.* in the £ on the capital value, but the total amount payable by a ratepayer in any year must not exceed 6*d.* per acre of his holding. Where the rate is levied on an acreage basis the maximum that can be levied on any ratepayer for any year is 6*d.* per acre of his land.

Notwithstanding anything in the Counties Act limiting the amount of general and separate rates which may be made in any year by county councils, there is power giving special rating powers up to ¾*d.* in the £ on the capital value or its equivalent for the purpose of providing funds for the reconstruction of bridges exceeding twenty feet in span. The general rate for each riding (where riding accounts have not been abolished) is struck separately and in making such rate the amount to be expended in the riding, and to be contributed for general purposes, is taken into account.

FINANCE

The law relating to the finances and accounts of county councils is contained in many Acts and regulations, and it is impossible to deal with the subject of finance fully in this article. Briefly, however, the financial structure of a county is that the county fund of a county embraces all its operations except those in respect to loans under the Local Bodies Loans Act, the proceeds from which must be dealt with in separate bank accounts and from separate funds.

The "county fund" consists of—(*a*) Rates made and levied by the council as provided in this or any other Act; (*b*) Tolls, levied on county roads, bridges and ferries and all rents of such tolls; (*c*) Moneys received by the council under or in pursuance of any Act; (*d*) Moneys received from the use or working of any tramways; (*e*) Rents and profits of property vested in the corporation; (*f*) Fees and fines payable to the council under this or any other Act; (*g*) Moneys received by way of loan otherwise than under the Local Bodies Loans Act, 1926; (*h*) Moneys received by way of subscription or voluntary contribution, and (*i*) All other moneys the property of the corporation.

The general account is the principal account within the county fund, and to it all moneys received and expenditure incurred are credited or debited as the case may be, except where statutory provision is made for such moneys to be shown in a separate account.

Except where the council has determined to abolish ridings, the keeping of separate accounts in respect of the various ridings is mandatory.

The accounts of a county council are subject to a strict audit by the Government audit office. County councils, like every other class of local authority, are under severe statutory financial limitations. They have to pay their way. They have strict limitations as to borrowing by way of overdraft. They cannot borrow by this means more than three-quarters of their revenue for the previous year, and at the end of the year they can owe on overdraft only such as is then outstanding and uncollected. Every local authority shall provide for its ordinary obligations and engagements in any year out of its revenue for that year. This statement recognizes, in effect, the principle that one council, unless specifically authorized to the contrary, cannot leave obligations for a succeeding council.

There is a provision which authorizes a county council to set aside moneys to form a fund or funds for certain purposes such as the repair, renewal of plant, etc., and goes on to say that the council may invest the moneys so set aside. Moneys are not set aside until they are placed in a "separate bank account" or invested in authorized trustee securities for the purpose for which the fund has been created.

(*To be continued*)

PRIVATE STREET WORKS: LONGITUDINAL AND TRANSVERSE SECTIONS OF A STREET

[CONTRIBUTED]

The question whether a longitudinal portion of a street can be made up, and if so upon which frontagers the expense is to be charged, is one which must arise from time to time with many local authorities.

As is the case with all problems relating to private street works, it is first necessary to ascertain whether s. 150 of the Public Health Act, 1875, is applicable or whether the authority has adopted the Private Street Works Act, 1892. Section 150 of the Public Health Act, 1875, provides that where any street ... or the carriageway, footway or any other part of such street is not sewered, levelled, paved, etc., to the satisfaction of the urban authority such authority may, by notice addressed to the respective owners or occupiers of the premises fronting, adjoining or abutting on such parts thereof as may require to be sewered, levelled, paved, etc., require them to sewer, level, pave, etc., the same within a specified time. The section goes on to provide that if such notice is not complied with the urban authority may execute the works mentioned or referred to therein and may recover the expenses incurred from the owners in default according to the frontage of their respective premises.

The application of this section was considered in *Wakefield Urban Sanitary Authority* v. *Mather* (1880) 44 J.P. 522. In this case the whole of the north side of a street was occupied by a churchyard. The urban authority gave notice to the owner of the property in the street to repair the footway and channel on the south side of the street, and on their default did the repairs themselves and apportioned the expenses upon the owners of the property on the south side of the street only.

It was held that the premises on the south side only were those "fronting, adjoining or abutting" on the footway and channel and liable to be charged with the expenses, within the meaning of s. 150.

It was contended on behalf of the owners on the south side that the authority was bound to apportion the costs of the repairs between themselves (the owners on the north side being exempt under s. 151) and the owners on the south side, and that the words "fronting, adjoining, or abutting on such parts thereof" referred to the previous words "such street" and not to the words "carriageway or footway." It was argued that a footway was not for the exclusive use of one side only, that the houses on both sides of a street may be said to "front" it, and the liability to contribute to the expense of part should be borne by all.

In giving judgment for the authority, Grove, J., said: "the liability to repair is not imposed by the section on the owners of premises fronting or adjoining or abutting on 'such street' but on such parts thereof as require repair. The effect is to make the owners of the premises adjoining such parts liable. It cannot be said that the footway on the south side of the street either adjoins or abuts on the north side ..." Denman, J., uses similar language and refers to the special mention of the word "footway" as one of the parts of a street which may require to be repaired and which is a definite part of a street that can be cut off from the rest.

The wording of the Private Street Works Act, 1892, differs from that of the Act of 1875.

The 1892 Act does not refer to a carriage way or footway, the material words being "street or part of a street." It might be thought that the words "part of a street" should relate to a part or section of a street whether such section be a longitudinal section of the whole width or a transverse section being part only in width of the street.

The case against such a construction is *Clacton Local Board* v. *Young* (1895) 59 J.P. 581, which has never been overruled. In

that case the local board proposed to make up the Marine Parade, Clacton, with a twelve feet footpath along the north side and apportioned the expenses of kerbing and paving such footpath among the owners of the north side only which abutted on to houses. On the south side the Parade abutted on to land which belonged to the local board, was open to the use of the public, and was used for pedestrian traffic.

It was held by the Queen's Bench Division that the proposed footway could not be treated as separate from the road itself, and that the frontagers on both sides of the Parade were liable to the expense of making up the footapth on the north side.

The judgment of the court was given by Pollock, B., and is quite short and it would appear that some importance was attached to the fact that the local authority was making a new street. He said: "... in this case the street is entirely a new street, and it seems to me that it must be dealt with as a whole, and that all persons are liable to contribute to the expenses whose premises front, adjoin, or abut on the street. The only thing which militates against this view is the use of the expression " or part of a street " but here we are dealing with a new road, and we cannot read these words as implying a longitudinal division, for in that case owners could be taxed at a point where no improvement was being made." It is not clear what was meant by the last remark, as the argument in favour of a longitudinal division of a street is that the frontagers on the part of the road which remains unpaved should not be asked to contribute towards the expense of works from which they derive less benefit. He distinguished *Wakefield Authority* v. *Mather*, *supra*, by saying that in that case the section spoke of the owners of premises abutting on the part which required to be paved, which in that case was a footway, and that the language of the Act of 1892 was " very different."

The question arose in the case of *Alderson* v. *Bishop Auckland U.C.* (1913) 76 J.P. 347, but in this case the street concerned was the boundary between two authorities and the premises abutting on the south side were outside the boundary of Bishop Auckland urban council. It was held that those premises should not be included in the provisional apportionment.

In *Standring* v. *Bexhill Corporation* (1909) 73 J.P. 241, it was held that " part of a street " may be such part as is not occupied by tramlines, which is a part in width, and in *Bell and Sons* v. *Great Crosby U.D.C.* (1912) 77 J.P. 37 these words were held to apply to a frontage strip.

The Metropolis Management Act, 1862, s. 1, provides that in case the vestry deem it necessary that " any footway or any part of a footway " should be flagged ... the owners of the houses and the owners of the land bounding or abutting on the road or street in which such footway or part thereof is situate " should pay the amount of the expense incurred. It was held in *Paddington Vestry* v. *North Metropolitan Railway Co.* (1894) 58 J.P. 413, that the effect of this section was to make the expenses of flagging a footway on the one side of a street payable by the owners on both sides, but only along the portion of the street where the local authority had resolved to pave the footway. This decision followed that of *Mile End Vestry* v. *Whitechapel Union* (1877) 41 J.P. 20 where the facts were similar. In this case Jessel, M.R., defined the expression " part of a street " as one ascertained by a transverse section. In *White* v. *Fulham Vestry* (1896) 60 J.P. 327, the owner of land on the south side of a street which had been previously paved agreed with the vestry to set back his boundary and dedicate a strip of thirteen feet wide so as to increase the width of the road. Six feet in width of this added strip was paved by the vestry and became part of the carriageway of the road, the remainder being left to serve as a footpath. Some years later the vestry resolved to pave the footpath and it was held that no part of the cost of paving this path could be apportioned on the houses on the north side of the street.

The omission of the words " carriageway, footway, or any other part " from s. 6 of the Act of 1892, and the substitution of the words " street or part of a street " may have been intentional and, on the authority of *Clacton Local Board* v. *Young*, *supra*, it would appear that a local authority under the later Act must deal with a street or a " length " of a street for the full width and apportion the cost on the frontagers on both sides. This may sometimes be inconvenient, particularly if there should happen to be only one frontager on the side of the street farthest away from the footpath or length which is being made up, who may feel aggrieved at having to bear the expense of work from which he does not obtain an equal benefit.

It is quite clear that the words " street or part of a street " if they are capable of being construed as a longitudinal section at all cannot apply to the whole length of a street but only to that length which it is proposed to pave. Thus if a local authority resolve to pave a footpath of one hundred yards along a road five hundred yards long, the cost will be apportioned between the frontagers of the lengths of one hundred yards, and not on the whole length of five hundred yards.

Any construction to the contrary would clearly, in the words of Pollock, B., in *Clacton Local Board* v. *Young*, involve owners being taxed at a point where no improvement was being made. Why this objection should operate sometimes in the case of a transverse division is not so clear. L.C.

MISCELLANEOUS INFORMATION

NATIONAL COUNCIL OF SOCIAL SERVICE ANNUAL REPORT

The report of the National Council of Social Service for 1949-50, gives an account of the activities of the Council and its associated bodies in a very diverse field. At the outset reference is made to the basis on which the Council was founded in 1919, it is emphasized that the Council has always regarded as paramount importance its link with local councils of social service. It is regretted however, that there are still many towns without any adequate machinery for consultation and co-operative action which such a council can provide.

In view of the transformation of the social services over a long period of years, culminating in the legislation resulting from the Beveridge Report, it is thought that the time is ripe to bring the purpose and work of councils of social service once more into the centre of voluntary effort. As explained in the report, these councils have four main functions which make for the harmonious development of social life. First, they provide a necessary means whereby organisations both statutory and voluntary—can come together for consultation and co-operative action; secondly, they can present the challenge to the individual for voluntary service to his neighbourhood and community; thirdly, they can endeavour to carry out the difficult task of exploring new methods of voluntary service and conduct worth-while experiments in social work which, for the present at any rate, the State cannot undertake. As showing the desire of the Council to assist in any exploration of the social services, it is mentioned that during the past year the council, with the financial help and co-operation of the King Edward Hospital Fund for London, initiated an inquiry into voluntary service and the hospitals.

Perhaps the most important part of the report is devoted to a short account of the work of each of the groups and committees associated with the Council. For instance, the Standing Conference of Councils of Social Service, which is representative of the whole movement, continues to perform a most valuable function in collating the views of local councils on national questions and on matters which are of common concern. The National Old People's Welfare Committee which was established in 1940 under the chairmanship of Miss Eleanor Rathbone, continues to perform outstanding services for the welfare of old people throughout the country as shown by the references which

we have made from time to time. As to the activities of this Committee it brings together the voluntary organizations in a friendly and creative endeavour to share knowledge in the interests of the aged. Over 600 residential clubs for old people are now being provided by voluntary organizations, in some cases established by the national society, in others by a local committee. It would be difficult to praise too highly the excellent work which these homes are doing. There is undoubtedly a great need for their extension.

With regard to old people's homes, it is noted with satisfaction in the Report that the importance of keeping old people in close touch with the rest of the community is now generally accepted. It is emphasized, however, that the outstanding need is for more " good neighbours " for old people. This has been recognized by the Ministry of Health. The committee's work in promoting more local old people's welfare committees was greatly accelerated by the circular issued to all local authorities urging them to encourage voluntary organizations in this connexion. The result has been a very rapid increase in the number of county as well as local old people's welfare committees which, at the date of the issue of the Report, numbered thirty-six and 517 respectively.

The Standing Conference of National Voluntary Youth Organizations has continued its valuable work in providing a centre of thought and discussion for the leading national voluntary youth organizations in the country. The Conference has given a good deal of thought to the part which the youth organizations might play in connexion with the Festival of Britain. It is organizing a demonstration centre of youth work on a site adjacent to the main Festival grounds on the South Bank of the Thames.

The continued importance attached to the work of rural community councils, which now cover about two-thirds of the counties in England and Wales, is recognized. As in previous years, the rural department of the National Council has provided the administrative services for the National Association of Parish Councils. Through conferences and meetings and the issue of handbooks and information on the duties and powers of parish councils, greater interest in, and knowledge of, parish affairs is spreading through the countryside. More and more people are beginning to see the vital importance of village leadership in the prosperity and wellbeing of country people and to take a part in making the parish council the vital influence for good which it should be. The association does not claim for the parish councils powers which can only be adequately undertaken by other and larger authorities, but they are very often profoundly affected by the operation of these other bodies and this in consequence makes the public relations work of the association of great importance.

The Council spent £101,903 during the year and received £100,051 leaving a deficit of £1,872. This deficit was met by drawing on reserves which, bearing in mind the many and varied responsibilities of the Council, had already fallen too low. Since the end of the financial year to which the Report relates, the Council has been informed by the Ministry of Health that the grant of £10,000 for Citizens' Advice Bureaux work will be reduced to £5,000 in the current year and thereafter cease altogether. It is emphasized that in the absence of sufficient reserves to absorb some of the shock of this decision, it has been necessary to cut down drastically and at short notice the central, services upon which the Bureaux rely. Substantial grants are, however still being received from the Development Fund for rural work ; from the Ministry of Education for community and youth work ; and, in addition to the grant for Citizens' Advice Bureaux services, from the Ministry of Health for the work of the National Old People's Welfare Committee. Grants are also being received from the Trustees of the Nuffield Foundation and the Governors of the National Corporation for the Care of Old People in respect of old people's welfare.

Amongst other matters mentioned in the Report are the establishment of a standing conference of societies registered for child adoption; the work of the National Federation of Community Associations ; the National Association of Women's Clubs and the Women's Group of Public Welfare.

ANGLO-GERMAN PATENTS

An agreement has been concluded between the British Government and the Government of the Federal Republic of Germany whereby the time for making belated applications for United Kingdom patents with priority based on a corresponding application deposited in a filing office at Damstadt or Berlin, may be extended until a date not later than May 31, 1951, provided the application so deposited continued to be dealt with by the Patent Office of the Federal Republic. Extensions have been granted by the Government of the Federal Republic for making applications in that country founded upon applications in the United Kingdom. The agreement is given effect by the Patents (Extension of Time) (Federal Republic of Germany) Rules, 1951.

ROAD ACCIDENTS—DECEMBER, 1950

The return of the number of persons reported to have died or to have been injured, as a result of road accidents in Great Britain during the month of December, 1950, is as follows :

Classification of Persons	Total		
	Died	Injured	
		Serious	Slight
Pedestrians :			
(i) under fifteen	29	278	927
(ii) fifteen and over	161	950	2,157
Pedal cyclists :			
(i) under fifteen	6	38	174
(ii) fifteen and over	45	521	1,552
Motor cyclists	47	526	1,017
Drivers	30	542	2,014
Passengers (sidecar or pillion) :			
(i) under fifteen	—	4	10
(ii) fifteen and over	7	115	231
Passengers (other vehicles) :			
(i) under fifteen	4	50	383
(ii) fifteen and over	37	745	3,162
All persons 1950	366	3,769	11,627
1949	537	4,200	11,776

PERSONALIA

APPOINTMENTS

Mr. Frank Hill, town clerk of the borough of Stockton-on-Tees and solicitor to the Tees Valley Water Board since 1947, has been appointed town clerk to the borough of Gillingham. Mr. Hill, who is forty years of age, was articled to Mr. Holland Booth and was admitted in 1934. He has held previous appointments as assistant solicitor to Dewsbury Corporation, assistant solicitor to Tottenham Corporation, and deputy town clerk to Tottenham Corporation. During the war he served in the Royal Air Force, holding the rank of Flight Lieutenant.

Mr. C. P. H. McCall, second deputy clerk of the Lancashire County Council, has been appointed to the post of first deputy. Mr. McCall, who is forty years of age, has had experience with E. Suffolk County Council, Hackney Metropolitan Borough Council, Dorset County Council, and Hampshire County Council. During the war he served in the Army. The position of second deputy is being taken by Mr. P. D. Inman, at present first assistant solicitor. Mr. Inman has held a previous appointment as assistant solicitor to Dewsbury corporation. He also served in the Army during the war. Mr. A. H. Joliffe has resigned his post of first deputy to take up the post of clerk to the Mersey River Board.

Mrs. E. D'Arcy-Brown, probation officer under the Surrey combined probation committee, has been appointed probation officer in the Worthing division. She is thirty-three years of age.

OBITUARY

Mr. G. E. K. Burne, clerk to the Diss Urban District Council from 1919 to 1938, died on April 3 at the age of sixty-eight. Mr. Burne, who was principal in the firm of Messrs. Lyus, Burne & Lyus, solicitors, was coroner for Diss for thirty-three years until he resigned in 1945.

PARLIAMENTARY INTELLIGENCE

Progress of Bills

HOUSE OF COMMONS

Friday, April 6

PET ANIMALS BILL, read 2a.

NOTICES

The next court of quarter sessions at Berwick-upon-Tweed will be held on Friday, April 27, 1951, at the Guildhall at 11.30 *a.m.*

The next court of quarter sessions for the borough of Bridgwater will be held on Friday, April 27, 1951.

LAW AND PENALTIES IN MAGISTERIAL AND OTHER COURTS

POLICE (PROPERTY) ACT, 1897—APPLICATION FOR RESTORATION OF PROPERTY

Application was made by the police under s. 1 of the Police (Property) Act, 1897, to the Salisbury City Justices on February 19, 1951, for directions as to the disposal of substantial property in their possession. Readers may remember that in a case heard at Wiltshire Assizes last year, an eighteen year old blackmailer pleaded guilty to demanding £1,850, from a sixty-eight year old former lay reader, and was put on probation for three years.

Mr. Justice Devlin, who heard the case, waived the general rule that the name of the blackmailed person should not be referred to and stated in the course of his judgment that the blackmail, though serious, did not begin to compare with the evil that had been done to the boy by the former lay reader.

The learned judge also stated in the course of his judgment, "I will do nothing to assist X (former lay reader) to recover the money; equally, I will not prevent this."

The blackmailer had invested a considerable part of the money he had obtained in goods including a motor car, a boat, roller skates, a bicycle, two air rifles, a tennis racquet, several cameras, two wireless sets, quantities of clothing, a watch, a microscope, a telescope and field glasses, and the police had taken possession of all these items as well as cash to the value of £451.

Mr. A. B. Lemon, solicitor, for the former lay reader who appeared in court in the custody of a warder (having been subsequently convicted of an offence with a boy other than the blackmailer referred to above), said that so far as the present application was concerned his client was to be treated as an innocent person. He relied upon the wording of s. 45 of the Larceny Act, 1916, which provided that property wrongfully obtained in consequence of an offence under the Act *shall* be restored to the owner.

He submitted that there was no doubt that the money held by the police was obtained from his client and the goods had been purchased with his client's money which had been obtained from him with menaces.

The solicitor for the youthful blackmailer submitted that s. 1 of the Act of 1897 gave power to restore the property to the person *appearing* to be the owner of it, and he argued that there could be no doubt that the property having been removed by the police from his client the latter must be deemed to *appear* to be the owner.

The justices, after retiring, announced through their chairman that on the information before them they were unable to come to a decision and they therefore made no order. The Chairman expressed regret that Mr. Justice Devlin, when the whole matter was before him, had not thought fit to deal with the disposal of the property.

On March 19, 1951, a further application was made by the police under s. 1 of the Act of 1897. The solicitor appearing for the police stated that several items held by the police had been claimed by the blackmailer as his personal property, and it was in respect of the remaining items that application was being made. The police asked for an order for costs to be made as they had had to store several of the items for a considerable time and they were anxious to dispose of the articles as quickly as possible.

Mr. Lemon stated that his client was prepared to leave the matter in the hands of the bench. If the bench thought fit to order the money and proceeds of sale of the property held by the police to be given to charity, his client would approve of the order. Mr. Lemon submitted that it would be a dangerous precedent if the court ordered the property to be handed over to the blackmailer, as this would tend to encourage other blackmailers.

The solicitor for the blackmailer then dealt with the articles and money in the possession of the police *seriatim*, and argued that the court could only make an order for the property to be given to charity if they were unable to ascertain the true owner and he submitted that in this case there could be no doubt that the owner was either his client or Mr. Lemon's.

The court ordered certain articles to be returned to the blackmailer and the remainder to be sold by the police. The proceeds of sale together with £450 cash in the hands of the police, were to be handed to the clerk and out of the money there should be paid the costs of the two applications, £50 should go to the Salisbury City Bench Poor Box and the balance for the Salisbury Branch of the Prisoners' Aid Society.

COMMENT

The argument before the justices indicates clearly that in some respects the provisions of s. 45 of the Larceny Act, 1916, are difficult to reconcile with the provisions of the Police (Property) Act, 1897, and it may be helpful to analyse shortly the two sets of provisions for restoring property to its owner.

Section 1 (1) of the Act, of 1897 provides that where any property has come into the possession of the police in connexion with any criminal charge a court of summary jurisdiction *may*, on the application either of the police or by a claimant of the property, make an order for the delivery of the property to the person appearing to the court to be the owner, or, if the owner cannot be ascertained, may make such order in respect of the property as the court thinks right.

It is apparent that there may well be cases where a definition of the word "owner" would be invaluable and it is to be regretted that the Court of Appeal in *Marsh* v. *Commissioner of Police and Another* (1944) 109 J.P. 45, declined to undertake the task although presented with the opportunity.

It will be recalled that in that case it was decided that an innkeeper's lien attaches to a ring deposited with him by a guest as security for the payment of his bill. The ring in question had been stolen by the guest and upon the hearing of an application under s. 1 of the Act of 1897 it was argued that the company from whom the ring had been stolen were the "owners" within the meaning of the section. Lord Justice Goddard (as he then was) in delivering the leading judgment in the Court of Appeal, declined to give a concluded opinion on the meaning of the word "owner" in the subsection deciding the case upon other grounds.

At present the provisions of s. 1 of the Act of 1897 have to be read, in appropriate cases, in conjunction with reg. 94, Defence (General) Regulations, 1939.

Section 45 of the Larceny Act, 1916, enacts that where a person is convicted of an offence under the Act the property misapplied *shall* be restored to the owner. The section limits the cases in which an order may be made so far as money is concerned to those in which the money stolen, or the proceeds of it, are found upon the thief or in the possession of someone who has received it from him otherwise than by the money passing as current coin.

It is the opinion of Mr. Lemon, to whom the writer is greatly indebted for this report, that had his client pressed for the cash held by the police the justices would have made an order in his favour. In the humble opinion of the writer the argument of Mr. Lemon before the justices is to be preferred to the argument of his opponent and had the justices ordered the money to be restored to Mr. Lemon's client the writer believes their decision would have been upheld if challenged.

R.L.H.

PENALTIES

Wolverhampton—March, 1951—(1) drunk and disorderly, (2) refusing to leave a public house when requested so to do by the licensee—(1) one month's imprisonment, (2) fined £3. Defendant, a man of twenty-nine, refused to pay the fine and was sentenced to a further month's imprisonment in default of payment.

Wolverhampton—March, 1951—assaulting the licensee of a public house—fined £3. To pay £1 10*s*. 6*d*. costs. The licensee heard the sound of breaking glass and going outside saw five men. He asked repeatedly which of them had broken the glass and defendant then struck the licensee over the eye and four stitches had to be inserted in the cut.

Exmouth—March, 1951—causing unnecessary suffering to a dog by shooting it with an airgun—fined £15. To pay £3 3*s*. compensation to the owner of the dog and £6 14*s*. costs. Defendant, an eighteen year old student, did not bother to see how badly the dog was injured and a veterinary surgeon stated that it died probably after acute pain in five or ten minutes.

London Sessions—April, 1951—fraudulent conversion of £35—six months' imprisonment. Defendant, a forty-three year old dealer, received the money from the wife of a licensee and sent her a telegram stating, untruthfully, that he had put the money on a horse. The horse won at 9 to 4. The dealer then sent a further telegram stating, untruthfully, that he was investing the winnings on another horse; this horse won at 10 to 1. Defendant then sent another telegram stating, untruthfully, he was putting the whole amount (about £1,200) on a third horse. This horse won at 5 to 2 so the lady should have received £4,620!

Totnes—April, 1951—(1) riding a motor cycle without third party insurance, (2) no driving licence, (3) no Road Fund licence—(1) fined £5, (2) fined £2 10*s*., (3) fined £5, and disqualified from driving for two years. Defendant, a thirty-nine year old farm worker, had been driving without a licence for twenty-three years.

REVIEWS

Rayden on Divorce. Supplement to Fifth Edition. By F. C. Ottway and J. E. S. Simon. London : Butterworth & Co. (Publishers) Ltd. Price of main work and supplement £4 4s. Supplement alone 15s.

The fifth edition of *Rayden* was published in 1949, but there has been so much important legislation since that date, to say nothing of a considerable number of decided cases, that a supplement has become indispensable.

The supplement follows the convenient and well tried plan of a noter-up with page references to the main work, followed by the new statutes, rules and orders. In addition there is a useful note on the Legal Aid and Advice Act, 1949, dealing with that portion of the Act which has been brought into operation. Included in the noter-up there is a new chapter dealing with the jurisdiction of the High Court to grant relief on the ground of wilful neglect to maintain.

The most important statutes included are the Legal Aid and Advice Act, 1949, the Marriage Act, 1949, which consolidated the law relating to marriages, and repealed earlier enactments, the Married Women (Maintenance) Act, 1949, which is of great importance to magistrates' courts, the Matrimonial Causes Act, 1950, a consolidation Act of great importance, and the Maintenance Orders Act, 1950, which has effected so much improvement in the jurisdiction to make and enforce magisterial orders throughout the United Kingdom. The various rules, regulations and orders connected with these statutes are included in the supplement and a valuable feature is a comparative table showing the sections of the Matrimonial Causes Act, 1950, with the corresponding sections of earlier Acts. The same treatment has been applied to the Matrimonial Causes Rules which were made as recently as December 4, 1950. A special appendix by Mr. J. E. S. Simon, on jurisdiction in nullity cases has been added, in which the trends of case law and statute law are reviewed.

The supplement has been brought remarkably closely up to date. The main volume has an established position as an authoritative work, and, together with this supplement, it provides an exhaustive and reliable guide to the whole subject.

The Justices Handbook. By J. P. Eddy, K.C. Second Edition. London : Stevens & Sons, Ltd. Price 12s. 6d. net.

Magistrates, and especially the newly appointed, often ask what books they can read which will help them to learn their powers and duties, and which are neither too long nor too learned for them. There are several such books, and here is one which can be safely recommended. Mr. Eddy adds experience to learning, for he is stipendiary magistrate for East Ham and West Ham, and a former recorder of West Ham. He is therefore well equipped to write what he describes as a guide to law, evidence and procedure in magistrates' courts, and he has contrived to condense a vast amount of information into a little book that can easily be carried in the pocket. It is well arranged, well printed and indexed so as to make reference easy, but is also a book to be read right through, and that more than once.

Part I, which deals with the judicial duties of justices, is a practical treatise on all aspects of such work, and includes evidence and procedure, definitions of some offences, the problem of punishment, probation, and the domestic and the juvenile courts. Part II is devoted to the Justices of the Peace Act, 1949, some sections of which are already in force, while many others are not. Part III is devoted to the non-judicial duties of the justice. There are useful appendices, including one showing ministers, officials and organizations concerned with magistrates' courts, and another giving the punishments for a number of offences.

Although the first edition was published in 1947 there has been so much important legislation affecting magistrates since that date, that this new edition will be welcomed by users of the first and by many others who will be introduced to it for the first time.

Local Government and Local Finance. By Sir Cecil Oakes and W. L. Dacey. London : Sweet & Maxwell, Ltd. Price £2 5s. net.

This work has a distinguished pedigree being, as noted on the title page, the ninth edition of *Wright and Hobhouse* which became a standard work of reference immediately on its publication in 1884. In the last twenty-five years of the nineteenth century it had no rival, as the textbook to which the serious student or the foreign investigator of English local government would be referred. The present edition has a short but interesting foreword by Sir Arthur Hobhouse, mentioning the intervening editions, necessitated by successive changes in the governing statutes. The eighth edition came out in 1937, and the ninth is practically a new work, so much rewriting having been involved by the legislative changes made since the Public Health Act, 1936, came into operation. The book no longer stands alone, as it did in its earliest editions. Of much the same scope there is *Hart on Local Government* and, of smaller scope, and therefore more suitable for elementary students, quite a crop of less expensive works. Nevertheless the thorough treatment, which the learned authors have compressed into 450 pages, will make the work valuable to everybody who wishes to obtain a general view of local government as it exists to day. If the book be compared with *Hart*, which is more or less of the same size, it may be thought that *Hart* has perhaps a certain tendency to regard the borough as the standard unit, whereas Sir Cecil Oakes and Mr. Dacey are both well known as " county " men. This is not, however, to say that there is any lack of balance. Chapter 11 on " Housing," for example, which is not in the main a county council function, is quite adequate for a book of this scope : the same may be said of " Parish Property, Commons, and Open Spaces " which, again, are not in the main county council functions. It may be added that even liquor licensing, which is not a local government function at all, is included. There is a long new chapter on " Negotiating Machinery " which has sprung into great importance since the previous edition, and another new and informative chapter is on the allied topic of the " Central (Local Government) Associations." Part III of the work, devoted to local finance, is shorter than might perhaps be expected from the specific mention of " Local Government and Local Finance " in the title, but in sixty pages it gives a readable and comprehensive account of rating and valuation, of the methods of showing income and expenditure, and the system of loans and Exchequer grants. Altogether, this is a book to be recommended, within the scope which the learned authors have set out to cover, not merely for use by students and by their instructors but by lay members of all grades of local authority.

The National Health Service Act, 1946—Annotated. Supplement to 1948 Edition, including the 1949 Amending Act and Statutory Instruments. By S. R. Speller, LL.B. London : H. K. Lewis & Co., Ltd. Price 27s. 6d.

This is a supplement to the author's valuable book on the National Health Service Act, 1946, and so brings the original work up to date. The Act, in common with the other legislation implementing the Beveridge Report, involved the making of a very considerable number of statutory instruments, and without a knowledge of them it is impossible to understand the working of the Act. Many statutory instruments were issued as the first book was going through the press and could only be included at the end of the volume. Since the passing of the principal Act, there has been the amending Act of 1949. This Act has been carefully annotated in the new volume. Next follow some 160 pages of the statutory instruments made since the original volume was prepared, including those referred to in the supplementary index thereto.

It would of course have been much more satisfactory to those using the work if the author could have rewritten it entirely and incorporated the amendments and additions in their proper place. The difficulties of publishing in these days, however, clearly made this impracticable so, as a temporary expedient, pending, we hope, a further revised and comprehensive edition at a later date, the author has very usefully included notes of necessary amendments to the text of the earlier volume. As he emphasizes, however, the new volume should not be used in isolation from the main volume, nor its index referred to without reference also being made to the main volume.

Those concerned with hospital administration who have found the first volume so useful, will be well advised to obtain the supplementary volume as, in fact, without it they may well overlook some important points in carrying out the day to day administration of the service.

The Origins of Muhammadan Jurisprudence. By Joseph Schacht London : Oxford University Press. Price 25s. net.

We appreciate the compliment paid us by the Clarendon Press in sending a copy of this work for review. We are bound, however, to say that it is a book for specialists in a field not often ploughed by our own readers. Even those among them who are responsible for tuition of the coming generation of lawyers will seldom have occasion to give instruction in Islamic law. In this country the main circulation of the book will have to be in universities where students are received from Islamic countries, or where there are young men intending to make careers in those countries, including perhaps a certain number of students for the diplomatic service. Since the work of Professor Margoliouth half a century ago, the educated Englishman will know the name of Shafii, much as if he is not a lawyer he knows that of Papinian, and as the educated Egyptian or Pakestani will know of Aquinas or Confucius. Beyond that point, we doubt whether many people in this country are aware of the common body of legal tradition throughout Islam, otherwise than (perhaps) knowing that there is

such a body of tradition, confusing ethical, legal and religious subjects, something after the manner of the book of Deuteronomy. Readers who have a taste for scientific law and comparative jurisprudence will, however, find much to interest them in the present work. It should perhaps be mentioned that it is addressed to such readers, and does not purport to be a handbook, either of the common law of Islam or of the law administered in any country. Rules of law, as enforced in this or that jurisdiction, are frequently given, but always by way of illustrating the development of the law and the use of traditional and written sources. We do not find that Mr. Schacht has much to say upon the alleged debt of Muhammadan jurisprudence to Roman law: perhaps he accepts the view that that debt had been overstressed by earlier writers. There is, however, a mass of information, starting broadly with Shafii and his attitude to earlier teachers, and developing through the different schools which sprang up in different parts of Islam. In this context, it is to be remembered that geographically the Islamic system spread over a greater portion of the earth's surface than the common law or Roman law; it would have been strange if, in a thousand years or so of very imperfect communications, different schools had not sprung up—in much the same way as (for example) French law in North America and Dutch law in South Africa developed differences from their parent Roman stem. The reader who is interested in these matters may be advised, after perusing the introductory matter in the opening chapters, to turn straight to p. 341 where there is an index of legal problems, many of which he will at once recognize as occurring in English law and equity or in Roman law.

Survey of Metropolitan Courts Detroit Area. By Maxine Boord Virtue, of the State Bars of Michigan and Kansas. Formerly Research Associate, the University of Michigan. Published by the University of Michigan. Price 5 dollars.

For those who like to make comparisons between legal institutions and methods in this country and those of other nations, this thorough and exhaustive description of the courts of a densely populated area in the United States will prove absorbing and instructive.

Research and authorship were undertaken by Mrs. Virtue at the instance of the Section of Judicial Administration of the American Bar Association in conjunction with the University of Michigan Law School. Courts and court staffs co-operated in the inquiry.

It is a survey, a statement of facts, rather than a critical study. Defects and difficulties in the present organization and administration are mentioned, as is natural, but it has not been thought well to embody in this treatise specific recommendations for improvements. One thing is quite clear: the multiplication of special courts to deal with particular types of work can go too far and create confusion.

The accuracy of the statements made in the book can be taken for granted. Not only was the work compiled largely as the result of court room observation, interviews with court clerks, judges, probation officers and other personnel, and reading litigation files, case histories and other material, but also there was the check provided by representative officers of each of the Detroit courts studied being given an opportunity to examine the manuscript in order that any error of fact might be corrected.

There are many points of similarity and also many points of difference between the system described here and that of this country. In England we have fewer kinds of courts and no elected judges or magistrates. An Act of Parliament cannot be challenged in the courts as being unconstitutional, but this can happen in the United States, and even the introduction of a new court, sanctioned by legislation, may be called in question.

The jurisdiction of the juvenile courts appears to differ little from that of the English courts in most respects, but it is interesting to note that there is a special jurisdiction over "wayward minors." This applies to boys and girls between seventeen and nineteen who are addicted to the use of drugs or alcohol, who repeatedly associate with dissolute persons, who are found of their own free will in a house of ill fame, who are wilfully disobedient, or who habitually idle away their time. The object, of course, is to prevent such young people from drifting into criminal ways and the criminal courts, and the jurisdiction is not unlike an extension of our own care or protection provisions above the age of seventeen.

Estate and Succession Duties. By W. A. Cooke. Cape Town and Johannesburg: Juta & Co., Ltd. Price 37s. 6d. net.

This work deals with the Death Duties Act, 1922, of the Union of South Africa. We gather that in 1922 taxation of this sort was a novelty in the Union, and that executors and others who were called upon to frame accounts experienced, at first, great difficulty in grasping what was required of them. In these circumstances the learned author produced a first edition of the work, which has now reached a fourth edition. His original object was not to write a legal treatise but to give practical help, and judicial authorities were not quoted. In succeeding editions, and particularly in the present edition, he has dealt with the matter on more orthodox lines, quoting not merely South African decisions on the South African Act but also English and Scottish decisions upon parallel provisions in this country. The result is that the work, although designed entirely for South African use, is of interest also as showing that, in a community which in some ways is so different, governed by legal principles derived from a different source, it has been found necessary to have recourse to a levy upon property on the death of the proprietor. This cannot, of course, lead to its use here as a text-book for practice, because of the different proprietory interests which have come to be recognized in South Africa, in accordance with the Roman Dutch system. But the English lawyer should never forget that Roman Dutch is the heir to two great traditions, that of Rome and that of Holland in the days when the Dutch Universities were the centre of European philosophic study. Upon the adequacy of the learned author's exposition of the law in South Africa we are not competent to give an opinion, but the book appears to be complete and well arranged; it is well set out, and is comprehensible by a lawyer even though unacquainted with Roman Dutch law as it has developed in the Union.

NEW COMMISSIONS

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PRACTICAL POINTS

All questions for consideration should be addressed to "The Publishers of the Justice of the Peace and Local Government Review, Little London, Chichester, Sussex." The questions of yearly and half-yearly subscribers only are answerable in the Journal. The name and address of the subscriber must accompany each communication. All communications must be typewritten or written on one side of the paper only, and should be in duplicate.

1.—**Burial**—*Cemeteries Clauses Act*, 1847—*Public Health (Interments) Act*, 1879—*Distance from dwellings.*

A district council propose to acquire compulsorily certain land for use as a cemetery, but there is some doubt as to whether a part of it is not within the prohibited distance from a neighbouring dwelling-house. The land abuts upon a highway and the proposed lay-out provides for that part of the site nearest the highway to consist of lawns and flower beds with a semi-circular entrance drive and turning-circle for vehicles, whilst only the backland would be used for actual burials; this backland is clearly outside the prohibited distance from the dwelling-house, which is situated on the other side of the highway opposite the proposed entrance drive but well within one hundred yards of where the entrance gates would be. Section 10 of the 1847 Act (as subsequently amended) states that "No part of the cemetery shall be constructed nearer to any dwelling-house than . . . one hundred yards except with the consent in writing of the owner, lessee and occupier of such house." The Act defines the expression "cemetery" as meaning "the cemetery or burial ground and the works connected therewith."

The owner of the dwelling-house is not willing to give his consent but the council wish, nevertheless, to use the site if at all possible, and I have had to consider whether the owner has any *locus standi* in the particular circumstances. I feel bound to advise the council that notwithstanding the fact that actual burials will take place at a greater distance than one hundred yards from the house, the entrance drive, and lawns, and flower beds must all be considered as "works connected" with the cemetery (even if separated from the burial ground by a wall or the like), and therefore that the whole site falls within the prohibited distance, and the owner's consent must be obtained. I shall be glad of your considered views on this point.

As an incidental point, does the consent of an owner in these circumstances bind his successors in title? I have never heard of any case where subsequent owners have been asked to give renewals of original consents, but I can find no authority which relieves the proprietors of a cemetery of the necessity of obtaining them. ALN.

Answer.

We agree with your advice upon the meaning of "cemetery." If the Act had intended merely to prohibit burial within the hundred yards, it would have been enough to say this: contrast s. 9 of the Burial Act, 1855, which speaks of "use"—*Cowley* v. *Bias* (1877) 41 J.P. 804. Upon what you call the incidental point, it is to be noticed that owner, lessee, and occupier stand on the same footing. Occupiers may change week by week, and new leases be granted at short intervals. It cannot be supposed that new consents from them are needed; it must therefore be the owner, lessee, and occupier, when the cemetery is established, who have the veto. This can be looked at from another point of view with the same result: the owner's remedy, after establishment of the cemetery, could only be a mandatory injunction for its discontinuance. It is inconceivable that equity would grant such an injunction to a person who became owner after the cemetery (a conspicuous object) had been established with consent of his predecessor. But it is not really necessary to look from this point of view; the section speaks of "construction," and the matter is to our mind clear.

2.—**Criminal Law**—*False pretences or larceny by a trick—Servant, without authority, charging admission fee to private enclosure—No right of admission thus acquired by payer.*

Your valued opinion as to what offence is committed in the following circumstances would be appreciated.

At a certain public entertainment there is an enclosure to which the public are admitted for the purpose of betting on payment of 2*s*. Pay-boxes are situated outside the enclosure. Here the public pay and enter the enclosure. At the exit to the enclosure another official, an employee, a servant of the proprietors, issues pass-out tickets to any who wish to leave the enclosure temporarily. He is unauthorized to receive any money whatever on behalf of his employers.

This official is seen to take money from eleven different persons being members of the public, and allow them to enter the enclosure. On several occasions the witness saw 2*s*. change hands. When challenged, the official in question said, "I only had one or two couple of bobs." Evidence shows that the persons gaining entrance in this manner were under the impression they were paying in the proper manner for the privilege of entering and using the facilities of the enclosure.

I am of the opinion that the offence is larceny by a trick on the ground that the official gained the money by a false pretence or trickery, the victims parting with their money on the condition that they obtained an immediate right to use the enclosure, and which they did not obtain although in fact they were allowed to enter and use its facilities. Thus the transaction was immediately void and the ownership of the money did not change hands whatever the intention of persons concerned.

For reasons given in the preceding paragraph I do not think the offence can be that of false pretences and neither, in my opinion, can it be embezzlement or fraudulent conversion as the facts as a whole indicate that the official received the money improperly or fraudulently.

It is argued that the public were not deprived of the privilege of using the ring so that there could be no case of larceny from those who entered the enclosure in the above manner, but I think they were deprived of their right to be there and were in fact trespassers, liable to be turned out, although in fact they did enjoy the full privileges for which they paid their money. No complaint has been received from any person gaining access in this manner. JARK.

Answer.

We think that these facts upon due proof would substantiate in each case a charge of obtaining 2*s*. by false pretences and not one of stealing by a trick.

The false pretence is by conduct in the servant putting himself forward as being entitled to accept the money and to give in return a right of admission.

The payer had no expectation of getting his money back and intended to part permanently with it and to get in exchange the right to enter and to remain in the enclosure. We think he parted with the property as well as with possession. We do not think that his not getting or being able to get what he hoped for affects his state of mind at the time of parting with the money.

3.—**Criminal Law**—*Finding—Sale by finder and two subsequent sales—Claim to goods by owner to final purchaser—Sale thereafter by that purchaser—Has he committed any offence?*

A lost a watch from his house. Subsequently a watch was picked up by B who made no effort to find the owner, but offered it for sale to C. C, before buying it, took it to the police who informed him that they had not been notified of its loss. C then sold it to D who in turn sold it to a pawnbroker X. A saw the watch in X's window, identified it and told X that it was his watch. X stated that he obtained it from D who had had it from his father. A went to see D and told D that he intended to go to the police. The police interviewed X who stated that he had then sold the watch to a woman passer-by whom he would not be able to identify again. No question of market overt arises. The evidence against B for larceny by finding is not we consider sufficient to justify a prosecution. It is felt, however, that X having obtained his title through a finder is in the same position as a finder and is liable to return the watch to the original owner and by disposing of it has committed larceny. JINX.

Answer.

Any civil liability of X to A must not be allowed to affect the position as far as the criminal law is concerned. X acquired the goods in the ordinary course of his business and had no reason to suppose that D was not entitled to sell. The claim by A that the watch was his does not in our view make X guilty of larceny when he subsequently sold the watch.

4.—**Fingerprints**—*Taken by order of justices—Criminal Justice Act*, 1948, *s.* 40.

Under the above section power is given to justices to order, upon the application of an officer of police not below the rank of inspector, that the fingerprints of a person not less than fourteen years of age who has been taken into custody and is charged with an offence before the court, shall be taken by a constable.

The question has arisen whether this power may be exercised *after* the charge on which the person concerned is before the court has been dealt with. It has been suggested that justices can order fingerprints to be taken only if the case before the court is still proceeding, and in support of this view it is said that the terms of subs. (4) of s. 40 of the Criminal Justice Act, 1948, pre-supposes that when the application is made for the fingerprints to be taken, the charge has not been finally dealt with, for this subsection says: "Where the fingerprints of any person have been taken in pursuance of an order made under this section, then if that person is acquitted or discharged . . . or if the information against him is dismissed the fingerprints and all copies and records thereof shall be destroyed." It is also said that this view

is supported by Home Office circular 265/1948 which, dealing with s. 40 states, *inter alia*, " It will be for the court to decide in its discretion whether to make an order upon the application by the police in such a case, but it will not always be possible for the police to give reasons for their application, *since this might prejudice the hearing of the charge before the court* . . . " Moreover it is said that if the justices can order fingerprints to be taken after the case before the court has been dealt with, there would be nothing to stop the justices ordering that they should be taken even after the accused has been acquitted, for subs. (4) which pre-supposes that the acquittal will be *after* the order has been made, would not apply.

Would you kindly state whether such an order can be made under this section after the accused has been dealt with for the offence in respect of which he is charged before the court. S. NEBONT.

Answer.

Reading s. 4 as a whole, and subs. (4) in particular, we come to the conclusion that the section applies only to a person who is charged but not yet convicted. If he is convicted and he goes to prison his fingerprints can be taken there, under the prison regulations. If he is not in custody after conviction we do not think he can be made to have his fingerprints taken, and certainly not if he is acquitted.

Our answer to the question in the last paragraph is, therefore, no.

5.—Licensing—*Special order of exemption — Dance promoted by manager of hotel—Whether a " special occasion."*

An application has been made to my bench, under s. 57 of the Licensing Consolidation Act, 1910, for an extension of permitted hours until 1.30 *a.m.* on a certain date, the occasion being a dance promoted by the manager of the hotel. A similar application was made on a previous occasion, and my justices then decided that this promotion by the manager was not a special occasion within the section, and refused the application, their view being that as the dance was promoted by the manager of the hotel, presumably to obtain more business, it would be improper to grant it. I may say that the bench have very frequent applications from the manager of the hotel for extensions for dances promoted by clubs in a neighbouring town, who appear to be, to a certain extent, making their headquarters at the hotel. These applications are made in respect of a room on the licensed premises but having no internal communication with the rest of the licensed premises.

I should be much obliged if you will say whether, in your opinion, the decision of my bench was correct. N.T.P.C.

Answer.

There is nothing in s. 57 of the Licensing (Consolidation) Act, 1910, to guide justices in deciding the question of whether or not an occasion is a " special occasion " within the meaning of the section, and nothing to suggest or to deny that the function for which it is desired that " permitted hours " shall be extended shall not be for the private profit of the promoter of the function, whether this be the licence holder or any other person or body of persons. " The question what is a special occasion must necessarily be a question of fact in each locality. Each locality may very well have its own meaning to these words, and it is for the justices in each district to say whether a certain time and place are within the description " (*per* Lord Coleridge, C.J., in *Devine* v. *Keeling* (1886) 50 J.P. 551).

Thus, it is open to the justices to decide the point as in their judicial discretion they think proper, and if they address their minds to the right considerations (*see R.* v. *Rotherham JJ., Ex parte Chapman* (1939) 103 J.P. 251 ; *Chandler* v. *Emerton* (1940) 104 J.P. 342) the High Court will not interfere.

It is by no means unusual for justices to grant a special order of exemption in the circumstances outlined.

6.—Mental Deficiency — *Contribution orders under s. 13 of Mental Deficiency Act, 1913, now repealed—Enforcement of arrears.*

Your views are requested upon the following matter :

Under s. 13 of the Mental Deficiency Act, 1913, provision was made for obtaining an order for payment of contributions in respect of the maintenance of a mental defective, such order being made by a judicial authority under the Act. Certain justices were appointed to act as judicial authorities under the Act, and this query relates exclusively to orders made by a justice as judicial authority and not to any case in which such order could be made by a county court judge. Under s. 13 (2) such order might be enforced as if it were an order for payment of a civil debt, made by a court of summary jurisdiction. Consequent upon the decision in *R.* v. *Graham-Campbell, ex parte Greenwood* (1922) 86 J.P. 5, such order is properly enforceable by judgment summons without a previous proceeding by complaint.

It is appreciated that only a few such cases can now arise, having regard to the repeal of this section as from July 5, 1948. There are, however, some outstanding cases, in which it is desired to enforce payment of arrears due under orders made prior to that date. The procedure, however, does not appear to be clearly set out.

A contribution order having been made by a justice of the peace duly appointed as judicial authority, for payment of a weekly sum, and arrears having accrued thereunder, it is now desired to issue the necessary judgment summons for the purpose of enforcing payment of such arrears. Such proceedings it is presumed will be taken in the court of summary jurisdiction, for the district in which the debtor resides. No record of any such order will of course appear in the justices' clerk's records of that court, since the order was made by a judicial authority, and not by that court. It is presumed that production of the original order will meet this difficulty.

Your views upon the following detailed points would be of considerable assistance :

1. What is the appropriate preliminary step to be taken for the issue of a judgment summons for this purpose ?

2. Is any particular form of complaint or information required, or can application for the issue of a judgment summons be made merely by letter ?

3. Should the original order of a judicial authority be sent to the justices' clerk for filing in the court, or should this be retained and produced at the hearing of the judgment summons ?

4. It is intended, where possible, to prove the means of the debtor by certificate of wages, but where this is not possible it is intended to subpoena the debtor to give evidence and to examine him as to his means. Is it agreed that this procedure is in order ?

5. Any information upon any further points arising in connexion with such proceedings that may not have been specifically mentioned would be greatly appreciated. SUM.

Answer.

1. Application for its issue can be made to a justice acting for the division in which the payments should have been made. There is no need for any formal complaint.

2. We think that as this is not an information or complaint it would be in order to write to the clerk to the justices, stating the facts, and asking him to place the matter before a justice.

3. We think it is sufficient to produce it at the hearing, unless the clerk wishes to see it in order to satisfy himself that it is a case in which he can properly advise the issue of a judgment summons.

4. This is certainly a practice that is constantly adopted by many courts, although a judgment summons is itself a summons requiring

the debtor to attend and be examined on oath. *See* a note at 83 J.P.N. 140 for the arguments for and against the practice.

5. We have nothing to add.

7.—Road Traffic Acts—*General trade licence—Use on a vehicle for carrying stores to holder's premises to make a hard road entrance there—Is such user permitted?*

The holder of a general trade licence who carries on business as a garage proprietor and tractor and plant hire is the owner of a piece of land which was purchased with a view to its being used in connexion with his business. He is also the owner of another piece of land some five miles away which is actually used for the storage of tractors and other vehicles used in his business. He recently used a lorry carrying the general trade licence for the purpose of transferring some stone from the first mentioned premises to the second premises in order to make a hard access road to such second premises and he has recently been advised that a prosecution is being considered against him for the contravention for the terms of his licence by such user. Can you please give:

1. An opinion as to whether the user was or was not within the terms of the licence, and

2. Reference to any cases there may be on the subject. JAG.

Answer.

1. If this was the only purpose for which the vehicle was being used we think the user was not "for a purpose connected *with the business as a manufacturer or repairer of or dealer in mechanically propelled vehicles* of the holder of the licence" and was not a permitted user under the licence.

2. *Dark* v. *Western Motor and Carriage Co. (Bristol), Ltd.* [1939] 1 All E.R. 143, which decides that the phrase quoted in our answer to 1 must be strictly interpreted.

8. Road Traffic Acts—*Permitting or aiding and abetting?—What offences are committed by an employed driver who allows an unlicensed friend to drive the employer's vehicle?*

AB a motor van driver employed by firm CD allows the van boy, EF, a person under seventeen years of age, to drive a motor van of which AB was in charge. The boy is not licensed to drive and it is intended to take proceedings against EF for driving without a licence and not having a policy of insurance. It is also intended to take proceedings against AB for permitting EF to drive without a licence and permitting a motor vehicle to be used without a policy of insurance. I have suggested in view of the judgment in *Goodbarne* v. *Buck* [1940] 1 All E.R. 613, that the offence is one of aiding and abetting EF and not permitting.

I shall be pleased to have your opinion on this matter. J. AIV.

Answer.

So far as the insurance offence is concerned we are assuming that the facts do not bring the case within *Marsh* v. *Moores* [1949] 2 All E.R. 27. On that assumption we think that *Goodbarne* v. *Buck*, *supra*, decides that only the owner can "permit." It might be argued that this driver caused the use of an uninsured vehicle by the boy. There can be no doubt that he aided and abetted the boy in the commission of his offence.

So far as the driving licence offence is concerned there is no offence of "permitting." Section 4 of the 1930 Act forbids (*i*) driving by unlicensed persons; (*ii*) the employment of unlicensed persons to drive. Here again, therefore, the appropriate offence is that of aiding and abetting the boy in his offence.

9.—Small Dwellings Acquisition Acts—*Ownership—Purchase by husband from wife of her joint tenancy.*

Mr. and Mrs. A reside in a dwelling-house which is owned by them as joint tenants. Mr. A intends to purchase his wife's interest in the property and to enable him to do so he has applied to my council for an advance under the Small Dwellings Acquisition Acts.

Do you consider that this is a case where my council can exercise the power conferred on them under s. 1 (1) of the 1899 Act, to "advance money to a resident in any house within the area for the purpose of enabling him to acquire the ownership of that house."

If your answer is in the affirmative do you consider that an advance should be made: (*a*) on a valuation of the wife's interest in the property which the husband is about to acquire, or (*b*) on a valuation in respect of the whole dwelling-house which will become the sole property of the husband when he has acquired his wife's interest. AVER.

Answer.

In our opinion, this can be done, the property actually acquired, viz., the wife's interest, being valued: *see* s. 10 (2) of the Act of 1899.

10.—Summary Jurisdiction—*Employer and workman—Claim for wages—Enforcement—Issue of witness warrant against a judgment debtor?*

An employee has obtained an order from the magistrates for the petty sessional court of which I am the clerk against two employers for payment of £5 wages due.

The order was not complied with and a distress warrant was therefore issued and that has been returned to the effect that the goods are claimed by a registered bill of sale.

By s. 9 of the Act it is provided that the order has to be enforced in accordance with the Debtors Act, 1869, s. 5.

A judgment summons has now been issued but so far in all proceedings which have been taken the defendants have made no appearance; they have written constant letters but it is quite evident that they do not intend to appear before the court, and it is felt that they will make no appearance to the judgment summons.

It is felt that the fact that they are living in substantial houses with a substantial amount of furniture (even if this is claimed under a bill of sale) alone is some evidence of means; furthermore it is felt that if the defendants were before the court and were subjected to cross-examination it is possible that it might be able to show that they could have paid.

In the event of their failing to appear under the judgment summons would it be possible to issue a warrant for their arrest in default of appearing under the summons or alternatively would it be possible to issue a warrant to appear as a witness?

Section 35 of the Summary Jurisdiction Act, 1879, of course, provides that "a warrant shall not be issued for apprehending any person for failing to answer any such complaint." In view of this direct statement I hesitate to issue a warrant of arrest.

I shall be much obliged if you will kindly let me have your opinion upon this and any assistance you can give me generally for the enforcement of the order of the court to pay these wages. JEM.

Answer.

The arguments on both sides are set out in an article at 109 J.P.N. 351. The opinion which we expressed at 83 J.P.N. 140, to which we still adhere, is that on the whole it is unsafe to issue a witness warrant to enforce the attendance of a judgment debtor.

On the facts of this particular case evidence of the style in which the debtors are living is certainly admissible as some evidence of means on which a court might well think fit to act, especially if the debtors do not choose to appear after the due service of judgment summons.

OFFICIAL AND CLASSIFIED ADVERTISEMENTS, ETC. (*contd.*)

DERBYSHIRE COUNTY COUNCIL

Deputy Clerk of the Council

APPLICATIONS are invited from Solicitors with experience of County Council work for the appointment of Deputy Clerk of the County Council. The salary will be £1,300 × £100 to £1,500, plus car allowance.

The person appointed will be required to pass a medical examination and the post is pensionable under the Local Government Superannuation Acts. Generally the National Joint Council's Conditions of Service will apply.

The detailed conditions of appointment and forms of application may be obtained from me. Completed applications, accompanied by the names of three referees, must reach me not later than April 28 next.

Canvassing will disqualify the candidate.

D. G. GILMAN,
Clerk of the County Council.

County Offices,
Derby.

NORTH RIDING OF YORKSHIRE COUNTY COUNCIL

APPLICATIONS are invited for the appointment of junior Assistant Solicitor in the office of the Clerk of the Peace and of the County Council. Local government experience, preferably in the office of a clerk of a county council, desirable. Salary £635 × £25 to £710 per annum. Appointment superannuable, and subject to medical examination, and to the National Scheme of Conditions of Service.

Applications, stating age, qualifications and experience, and particulars of present appointment, with the names of three referees, to be sent to the Clerk of the County Council, County Hall, Northallerton, by Saturday, April 21, 1951.

Canvassing will disqualify, and a candidate who is related to a member of or senior officer under the Council must disclose the fact when applying.

County Hall,
Northallerton.
April 2, 1951.

BOROUGH OF SWINDON

Appointment of Junior Assistant Solicitor

APPLICATIONS are invited for the appointment of Junior Assistant Solicitor in the Town Clerk's Department, at a salary in accordance with A.P.T. Grade V (*a*) of the National Scales (£550 to £610 per annum).

The appointment is subject to the provisions of the Local Government Superannuation Act, 1937, and to the passing of a Medical Examination and will be terminable on one month's notice on either side.

Applications, on forms obtainable from me, must be returned not later than April 21, 1951.

Canvassing will be a disqualification.

D. MURRAY JOHN,
Town Clerk.

Civic Offices,
Swindon.
March 28, 1951.

COUNTY OF LINCOLN, PARTS OF LINDSEY
(population 308,180)

Assistant Solicitor

AN additional Assistant Solicitor is required in the Office of the Clerk of the Peace and of the County Council. The commencing salary is £635 rising to £760 a year (Grades A.P.T. VII and VIII of National Scales). The post is subject to the provisions of the Local Government Superannuation Act and the successful candidate must pass a medical examination. The appointment will be determinable by two months' notice on either side.

Applications by letter should reach me by April 30, 1951, accompanied by a copy of one testimonial and the names of two referees.

H. COPLAND,
Clerk of the Peace and of the County Council.

County Offices, Lincoln.

COUNTY BOROUGH OF BURY

Appointment of Assistant Solicitor

APPLICATIONS are invited from Solicitors for the appointment of Assistant Solicitor. Salary A.P.T. VA (£550-£610) rising to A.P.T. VII (£635-£710) after two years admission. Previous local government experience will be an advantage but is not essential.

The appointment is subject to the Local Government Superannuation Act, 1937, and to medical examination, and terminable by two months' notice.

Applications, stating age, experience, past and present appointments, together with copies of two recent testimonials, and endorsed "Assistant Solicitor," must reach me not later than April 19, 1951.

EDWARD S. SMITH,
Town Clerk.

Town Hall,
Bury.
April 3, 1951.

CITY OF ROCHESTER

Appointment of Town Clerk and Clerk of the Peace

APPLICATIONS for the above appointment are invited from solicitors with local government experience. The salary for the appointment of Town Clerk will be £1,550 per annum, rising by annual increments of £50 to £1,750 per annum, plus £50 per annum in respect of the office of Clerk of the Peace.

The appointment will be subject to the conditions of service fixed by the Joint Negotiating Committee for Town Clerks and District Council Clerks, and will be terminable by three months' notice in writing on either side.

Particulars will be forwarded on request and applications, in the form described in the particulars, must reach the undersigned by Thursday, May 17, 1951.

Canvassing, either directly or indirectly, will be a disqualification.

H. LORD,
Acting Town Clerk.

Guildhall, Rochester.

LANCASHIRE (No. 2) COMBINED PROBATION AREA

Appointment of Male Probation Officer

APPLICATIONS are invited for the above whole-time appointment. The Officer will be assigned to the Preston Borough, Chorley and Leyland Courts.

Applicants must be not less than 23 nor more than 40 years of age, except in the case of a whole-time serving officer.

The appointment will be subject to the Probation Rules, 1949, and 1950 and salary will be in accordance with the prescribed scale. The successful candidate will be required to pass a medical examination.

Applications, stating age, qualifications and experience, together with copies of two recent testimonials, should be submitted to the undersigned not later than April 30, 1951.

W. A. L. COOPER,
Clerk of the Committee
for the above area.

Magistrates' Court,
Lancaster Road, Preston.

DARLASTON URBAN DISTRICT COUNCIL

Legal and Administrative Assistant (Unadmitted)

APPLICATIONS are invited for the above appointment in the Clerk's Department.

Applicants should have had general legal experience in the office of a Clerk of a Local Authority or in a Solicitor's Office, and preference will be given to applicants who have also had experience of Committee work and preparation of minutes in a Clerk's Department.

The salary will be in accordance with A.P.T. Division, Grades II (£420—£465), III (£450—495) or IV £480—£525) of the National Scales of Salaries, according to qualifications and experience.

The appointment will be subject to termination by one month's notice on either side, to the Local Government Superannuation Act, 1937, to the National Conditions of Service and to the passing of a medical examination.

Applications, with particulars of age, education, qualifications, experience and past and present appointments, and the names of two persons to whom reference may be made, should reach me not later than April 28, 1951.

Canvassing will disqualify and applicants must state whether to their knowledge they are related to any member or senior official of the Council.

G. R. ROWLANDS,
Clerk of the Council.

Town Hall,
Darlaston,
South Staffs.

Too Late for Classification

SITUATIONS VACANT

SOLICITORS, busy W.E. office, require keen Clerk. Military service finished. Experience of Criminal Law an advantage but not essential. A hard worker will receive encouragement and advancement. Reply with details of age, past experience, salary desired, to Box B.30.

LINCOLNSHIRE RIVER BOARD

Appointment of Committee Clerk

APPLICATIONS are invited for the above-mentioned appointment. The salary will be in accordance with Grade A.P.T. V (£520—£570). Applicants should be accustomed to attending Committees and experienced in the preparation of minutes and reports of Committees. The appointment is subject to the Local Government Superannuation Act and the successful applicant will be required to pass a medical examination.

Applications, stating age, qualifications, present appointment and experience, and accompanied by the names of two persons to whom reference can be made as to character and ability must be sent to the undersigned not later than April 30, 1951.

G. E. PHILLIPPO,
Clerk to the Board.

50, Wide Bargate,
Boston, Lincs.

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